ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clvi.

An Act to change the Name of the *West Shropshire Mineral* Railway Company, and to enable them to make Branch Railways and a Deviation, and to alter the Line and Levels of their Railway; and to confer upon the said Company further Powers for making, crossing, and altering public Roads, and for the Purchase of additional Lands; and for other Purposes. [30th *June* 1864.]

WHEREAS the following Acts relating to the *West Shropshire Mineral* Railway Company have been passed, namely, "The *West Shropshire Mineral* Railway Act, 1862," and "The *West Shropshire Mineral* Railway Act, 1863:" And whereas it is expedient that the Name of the said Company should be changed, and that they should be authorized to make the Branch Railways herein-after described, and also a new or substituted Railway in lieu of a Portion of the Railway authorized to be made by the said Act of 1862: And whereas it is expedient that the said Company should be authorized to alter the Levels and the Curves upon a Portion of the said authorized Line, and to divert the public

25 & 26 Vict. c. clxxxv.
26 & 27 Vict. c. cxlv.

Roads herein-after mentioned, and to maintain their Railway upon a Level across certain other public Roads herein-after described: And whereas it is expedient that the said Company should be authorized to make and maintain the new Roads herein-after described: And whereas it is expedient that the Company should be enabled to purchase additional Lands for the Purposes of their Undertaking: And whereas the Company are now authorized to raise by Shares One hundred and fifty thousand Pounds, and by borrowing Fifty thousand Pounds, and it is expedient that they should be authorized to raise further Sums for the Purposes of this Act: And whereas the Objects and Purposes of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, (as follows):

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Shrewsbury and North Wales* Railway Act, 1864."

Interpretation of Terms.

2. In this Act the following Expressions have respectively the several Meanings hereby assigned to them; the Expression "the Company" means the Company incorporated by "The *West Shropshire Mineral* Railway Act, 1862," and henceforth to be styled "The *Shrewsbury and North Wales* Railway Company;" the Expression "the Act of 1862" means "The *West Shropshire Mineral* Railway Act, 1862;" the Expression "the Act of 1863" means "The *West Shropshire Mineral* Railway Act, 1863;" the Expression "the Plans of 1862" means the Plans referred to in the Act of 1862; the Expression "the Plans of 1863" means the Plans deposited for the Purposes of the Act of 1863; and the Expression "Superior Court" or "Court of competent Jurisdiction," or any other like Expression in this Act or in the Acts incorporated herewith, shall be read and have effect as if the Debt or Demand in respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

8 & 9 Vict. cc. 16. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

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

With respect to the Transfer and Transmission of Shares;

With

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

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

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

With respect to the Consolidation of Shares into Stock;

With respect to the making of Dividends;

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

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

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

and Parts I., II., III., and IV. of "The Companies Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Change of Name.

4. From and after the passing of this Act, the Name, Style, and Title of the "*West Shropshire Mineral* Railway Company" shall, instead of "the *West Shropshire Mineral* Railway Company," be "the *Shrewsbury and North Wales* Railway Company," and by that Name the Company shall henceforth have and may exercise all the Powers now vested in "the *West Shropshire Mineral* Railway Company;" and the recited Acts and all other Acts relating to "the *West Shropshire Mineral* Railway Company" already passed, or which may have passed or may be passed during the present Session of Parliament, shall be read and interpreted as if throughout those Acts wherever the Name of "the *West Shropshire Mineral* Railway Company" or any Reference to "the *West Shropshire Mineral* Railway Company" occurs, the Name of "the *Shrewsbury and North Wales* Railway Company" or a Reference to "the *Shrewsbury and North Wales* Railway Company" were substituted.

Works to be constructed.

5. It shall be lawful for the Company to make and maintain the following Works, and to do the following Things; (that is to say,)

The Company may make and maintain the following Railways, with all proper Stations, Works, and Conveniences connected therewith respectively; namely,

1. A Branch Railway commencing in the Parish of *Kinnerley* in the County of *Salop* by a Junction with "the *West Shropshire Mineral* Railway" at or near a Bridge which carries the public Road leading from *Kinnerley* to *Edgerly* over that Railway, and terminating in that Part of the Parish of *Alberbury* which is situate in the County of *Montgomery* in or near a certain Enclosure numbered 147 on the Tithe Commutation Map of the said Parish of *Alberbury*:

2. A Branch Railway commencing in the said Parish of *Kinnerley* by a Junction with "the *West Shropshire Mineral* Railway" in or near the Enclosure numbered 84*a* in the Parish of *Kinnerley*, on the Plans of 1862, and terminating in the Parish of *Great Ness* in the County of *Salop* in or near an Enclosure numbered 220 on the Tithe Commutation Map of the said Parish of "*Great Ness*:"

3. A new or substituted Railway, herein called the Deviation (in lieu of a Portion of the Railway authorized by the Act of 1862), commencing in the said Parish of *Kinnerley* by a Junction with the authorized Line of the *West Shropshire Mineral* Railway in or near the Enclosure numbered 88, in the said Parish of *Kinnerley*, on the Plans of 1862, and terminating by a Junction with the said authorized Line of Railway in the said Parish of *Great Ness* in or near the Enclosure numbered 25, in the Parish of *Great Ness*, on the Plans of 1862:

4. The Company may construct the Railway authorized by the Act of 1862, between the Commencement of the Main Line authorized by the Act of 1862 and a Point distant Three Furlongs and One Chain from such Commencement, according to the Levels of that Portion of the said Main Line shown upon the Sections herein-after mentioned, deposited for the Purposes of this Act, instead of the Levels shown on the Sections referred to in the Act of 1862, and shall, subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated therewith, make and maintain the Junctions of their said Main Line authorized by the Act of 1862 with the Railway of the *Oswestry and Newtown* Railway Company by a double Junction at a Point not nearer to the South than the Centre of the present Eastern Platform of the *Llanymynech* Passenger Station of the last-named Company, and by a Curve with One Furlong Radius, and the said Platform shall, if so required by the last-named Company, be extended Southwards, by means of an additional Opening in the Bridge carrying the Turnpike Road over the *Oswestry and Newtown* Railway, at the Cost of the Company:

5. The Company may construct the following Curves upon their authorized Line of Railway, according to the Radii of such Curves respectively shown on the Plans herein-after mentioned, deposited for the Purposes of this Act, instead of according to the Radii of such Curves respectively

tively shown on the Plans referred to in the Act of 1862, or (as the Case may be) the Act of 1863; namely,

The several Curves shown on the Plans of 1863, between the Commencement of the Deviation Line of Railway shown on those Plans and a Point distant One Mile and Five Chains from that Commencement:

And the Curves shown on the Plans of 1863, at and near the Point marked Six Miles on those Plans:

6. The Company may divert the following public Roads, and for that Purpose may make the several new Portions of Road shown on the Plans and Sections herein-after mentioned, deposited for the Purposes of this Act, and the Company may stop up so much of the said diverted Roads respectively as may be rendered unnecessary in consequence of the Construction of such new Portions of Road respectively; (that is to say,)

The public Roads numbered respectively 11 and 48, in the Parish of *Ford*, on the Plans of 1863:

7. The Company may make and maintain the following new Roads; (that is to say,)

A Road commencing in the Parish of *Meole Brace* in the County of *Salop* at or near the Point where the Deviation Railway authorized by the Act of 1863 is intended to cross the Turnpike Road from *Shrewsbury* to *Hanwood*, and terminating in the same Parish by a Junction with the Turnpike Road leading from *Shrewsbury* to *Bishop's Castle*, near the Bridge which carries the last-mentioned Turnpike Road over the *Shrewsbury and Welshpool* Railway; and

A Road commencing in the said Parish of *Meole Brace* in or near the Enclosure numbered 124 on the Tithe Commutation Map of that Parish, and terminating in the same Parish in or near the Enclosure numbered 6, in the Parish of *Meole Brace*, on the Plans of 1863.

Power to purchase additional Lands.

6. It shall be lawful for the Company to enter upon, take, and use the Lands in and near the Town of *Shrewsbury* shown and described on the Plans and Books of Reference deposited as herein-after mentioned for the Purposes of this Act.

Deposit of Plans.

7. Whereas Plans and Sections of the Branch Railways, and the Deviation, and the new and diverted Roads, and the altered Portions of Railway both as to Levels and Curves by this Act authorized, showing the Lines and Levels thereof, and Plans showing the said Lands to be taken by the Company in and near the Town of *Shrewsbury*, and Books of Reference to such Plans containing the Names

of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes of this Act, have been deposited for public Inspection with the Clerks of the Peace for the Counties of *Salop* and *Montgomery*: Therefore, subject to the Provisions and Powers of Deviation in this Act and in the Acts incorporated herewith contained, the said Railways, Roads, and other Works shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the Lands shown on the said Plans and described in the said Book of Reference as may be necessary for the Purposes of the said Railways and other Works by this Act authorized, or for any Purpose by this or the recited Acts authorized.

Company not to take Lands of G. J. Scott without Consent.

8. Provided always, That it shall not be lawful for the Company to enter upon, take, or use for the Purpose of making the new Road by this Act authorized, and herein-before described as commencing in the Parish of *Meole Brace* at or near the Point where the Deviation Railway authorized by the Act of 1863 is intended to cross the Turnpike Road from *Shrewsbury* to *Hanwood*, and terminating in the same Parish by a Junction with the Turnpike Road leading from *Shrewsbury* to *Bishop's Castle*, near the Bridge which carries the last-mentioned Turnpike Road over the *Shrewsbury and Welchpool* Railway, any Lands now the Property of *George Jonathan Scott*, of *Betton Strange* in the said County of *Salop*, Esquire, without the previous Consent in Writing of the said *George Jonathan Scott*, his Heirs or Assigns.

Level Crossings of Roads by Railways authorized by this Act.

9. It shall be lawful for the Company, in the Construction of the Railways by this Act authorized, to carry the same with not exceeding a single Line of Railway so long as the said Railways shall be single Lines, and with not exceeding a double Line of Railway if the Railways respectively shall be made double Lines across, and on a Level of the Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Number on Plan.	Parish.	Description of Road.
32	Melverley - - -	Public Road.
5	Alberbury - - -	Public Road.
34	Alberbury - - -	Turnpike Road.
62	Alberbury - - -	Public Road.

10. The

Company to construct Underway.

10. The Company shall construct for Foot Passengers a Way under the level Crossing of the Road numbered 5 on the Plans in the Parish of *Alberbury*, such Underway to be of the Height of Eight Feet and of the Width of Twelve Feet.

Level Crossings on authorized Line.

11. It shall be lawful for the Company, in the Construction of the authorized Line of the *West Shropshire Mineral* Railway, to carry and maintain the same with not exceeding a single Line of Railway so long as the said Railway shall be a single Line, and with not exceeding a double Line if such Railway shall be made a double Line, across and on a Level of the Roads numbered respectively on the Plans of 1862 and 1863, as follows; (that is to say,)

The Roads numbered respectively 13, 32, and 36, in the Parish of *Kinnerley*, on the Plans of 1862, the Road numbered 9, in the Parish of *Great Ness*, and the Road numbered 14, in the Parish of *Ford*, on the Plans of 1863.

Lands for extraordinary Purposes.

12. The Company may by Agreement purchase Land adjoining or near to the Railways by this Act authorized to be made for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," but the Quantity of Land so to be purchased shall not exceed Two Acres.

Powers for compulsory Purchases limited.

13. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for Completion of Works.

14. Subject to the Provisions of this Act, the Railways and Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same shall cease: Provided always, that in every Case in which any Work by this Act authorized will be in substitution for any Portion of the Work or Undertaking authorized by the Act of 1862, or, as the Case may be, the Act of 1863, the Powers of the Company for executing the substituted Work shall cease at the Time at which under the Provisions of those Acts respectively the Powers of the Company for executing the Work in lieu of which such substituted Work is to be made would have ceased.

Railway to form Part of the Undertaking of the Company.

15. The Railways by this Act authorized shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Undertaking of the Company, as if authorized by "The *West Shropshire Mineral* Railway Act, 1863."

Power to abandon Part of

16. The Company shall abandon and relinquish the Formation of so much of the Railway authorized to be made by the Act of 1862 as

and the Company, or failing Agreement, as may be settled by Arbitration, in manner provided by "The Railway Companies Arbitration Act, 1859."

Powers of User granted to the Oswestry and Newtown Railway Company by the Act of 1862 extended to the Deviations.

24. The Forty-second Section of the *West Shropshire Mineral* Railway Act, 1862, and the Nineteenth Section of the *West Shropshire Mineral* Railway Act, 1863, with respect to the User by the *Oswestry and Newtown* Railway Company of the Railway by those Acts authorized, are incorporated with this Act, and subject to the Provisions of the said Forty-second Section, the *Oswestry and Newtown* Railway Company shall be entitled to use that Railway as authorized to be deviated and constructed by this Act, in the same Manner and to the same Extent as if that Railway so deviated and constructed had formed the Railway authorized to be made by the Acts of 1862 and 1863.

Branch Railways not to be extended without Consent of Oswestry and Newtown Company.

25. The Company shall not at any Time hereafter, without the previous Consent of the *Oswestry and Newtown* Railway Company under their Common Seal, make any Application to Parliament for Powers to extend the Branch Railways by this Act authorized, or either of them, or directly or indirectly concur or assist in any such Application by any other Company or Person.

Bond for Completion of Railways.

26. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, the Sum of Eight thousand Pounds, being Eight *per Centum* upon One hundred thousand Pounds, the Amount of the Estimate of Expense of the Railways authorized by this Act, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said last-recited Act, the said Sum so deposited, or the Interest or Dividends thereof, shall not, except on the Execution and Deposit of such Bond as herein-after expressed, be paid or transferred to or upon 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, except the Company, before the Expiration of the Period by this Act 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 One Half of that Capital; and if that Period expire before the Company either have opened the Railways for the public Conveyance of Passengers, or have given the Proof to the Satisfaction of the Board of Trade, the said Sum of Money so deposited as aforesaid, and the Interest and Dividends thereof,

thereof, shall, immediately from and after the Expiration of that Period, be forfeited to Her Majesty, and be paid or 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 said 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 said Sum so deposited, if the Company do not within the Time by this Act 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 One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the said deposited 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 to be recovered on the Bond shall be dealt with in like Manner as the deposited Sum, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the 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.

Interest not to be paid out of Capital.

27. The Company shall not, out of any Money by this Act or 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, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Deposit for future Bills not to be paid out of Capital.

28. The Company shall not, out of any Money by this Act or by any other Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either

either House of Parliament for the Time being in force, may require to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway or execute any other Work or Undertaking.

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

29. Nothing in this Act shall be deemed or construed to exempt the Undertaking of 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 the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and the maximum Rates of Fares and Charges authorized to be taken by the Acts relating to the Company.

Expenses of Act.

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

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