ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxv.

An Act to enable the *Shrewsbury and Welchpool* Railway Company to complete and maintain Deviations in the Line and Levels of their Railway, and to complete and maintain the same across certain Roads on a Level, and to raise a further Sum of Money, and for other Purposes. [15th *May* 1860.]

WHEREAS an Act was passed in the Session held in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the* Oswestry and Newtown Railway *in the Parish of* Buttington *in the County of* Montgomery *to* Shrewsbury, *with a Branch thereout to* Minsterley *in the County of* Salop, *and for other Purposes*, whereby the *Shrewsbury and Welchpool* Railway Company were incorporated: And whereas another Act was passed in the Session held in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for extending the Powers of the Shrewsbury and Welchpool* Railway Company *for purchasing Lands and completing their Railway; and for other Purposes*: And whereas the Railway and Branch Railway by the first-recited Act authorized to be made are now in course of Construction, and in the

19 & 20 Vict. c. cxxxii.

21 & 22 Vict. c. cx.

Execution of the Works it has been found expedient to make lateral Deviations beyond the Limits of Deviation defined on the Plans referred to in the first-recited Act, and also within such Limits to deviate vertically from the Levels of the Railway, as referred to the common Datum Line described on the Sections referred to in the same Act, to a greater Extent than is permitted by the Provisions of "The Railways Clauses Consolidation Act, 1845," incorporated with the said Act, and it is expedient that the Company should be enabled to make, complete, and maintain their Railway according to the deviated Lines and Levels herein-after mentioned: And whereas it is expedient to authorize and legalize the Construction or Completion or Maintenance of the said Railway and Branch Railway across the public Roads herein-after mentioned on a Level: And whereas it is expedient that the Company should be enabled to construct an Approach Road to an intended Station upon their Railway in the Township of *Yockleton* in the Parish of *Westbury*: And whereas the Company have been authorized to raise by Shares not exceeding One hundred and fifty thousand Pounds, and to borrow not exceeding Fifty thousand Pounds: And whereas the Company require further Sums for the Purposes of their Undertaking: And whereas the Company are not authorised to create and have not created any Preference Shares, and it is expedient that they should be enabled to raise further Sums, as herein-after mentioned: And whereas the Objects and 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:

8 & 9 Vict. cc. 18. & 20. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Shrewsbury and Welchpool* Railway Act, 1860."

Interpretation of Terms.

III. In this Act the following Expressions shall have the following Meanings attached to them: The Expression "the Company" shall mean the *Shrewsbury and Welchpool* Railway Company; the Expression "the Act of 1856" shall mean the *Shrewsbury and Welchpool* Railway Act, 1856;" the Expression "the Main Line" shall mean so much of the Railway described in the Act of 1856 as the Main Line as is not by this Act authorized to be abandoned; the Expression "the Branch" shall mean the Railway described in the Act of 1856 as the Branch.

IV. It

Power to make, &c., deviated Portions of Railway.

IV. It shall be lawful for the Company to make, complete, and maintain the following deviated Portions of Railway, with all proper Stations, Works, and Conveniences connected therewith, in lieu and in substitution for Portions of Railway authorized by the Act of 1856; (that is to say,)

A deviated Portion of Railway commencing in the Enclosure numbered on the Plans referred to in the Act of 1856 118 in the Parish of *Westbury*, and terminating in or near the Enclosure numbered on the same Plans 17 in the Parish of *Pontesbury*;

A deviated Portion of Railway commencing in or near the Enclosure numbered on the Plans referred to in the Act of 1856 33 in the Parish of *Pontesbury*, and terminating in the Enclosure numbered on the same Plans 76 in the Parish of *Pontesbury*;

And a new or deviated Portion of Railway commencing in the Enclosure numbered on the Plans referred to in the Act of 1856 6 in the Parish of *Saint Chad, Shrewsbury*, and terminating in the Enclosure numbered on the same Plans 61 in the Parish of *Meole Brace*.

Construction of Approach Road.

V. The Company may make and maintain an Approach Road, with all proper Works and Conveniences connected therewith, commencing at or near the Point where the public Road numbered on the Plans referred to in the Act of 1856 108 in the Parish of *Westbury* joins the Road numbered 112 in the same Parish on the same Plans, and terminating by a Junction with the Turnpike Road numbered on the same Plans 117 in the said Parish of *Westbury*.

Deposit of Plans and Sections of deviated Portions of Railway and Approach Road.

VI. Whereas Plans and Sections of the said deviated Portions of Railway and Approach Road by this Act authorized, showing the Lines and Levels thereof, and Books of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers of the Lands which may be required to be taken for the Purposes thereof, were, on or shortly before the Thirtieth Day of *November*, in the Year One thousand eight hundred and fifty-nine, deposited with the Clerks of the Peace for the Counties of *Salop* and *Montgomery*: Therefore, subject to the several Powers and Provisions herein and in the incorporated Acts contained, it shall be lawful for the Company to construct, complete, and maintain the said deviated Portions of Railway and Approach Road in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined upon the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the Purposes of the said deviated Portions of Railway and Approach Road, and the Works connected therewith respectively.

VII. The

Company to abandon Parts of Main Line for which deviated Portions of Railway are substituted.

VII. The Company shall abandon the Formation of so much of the Railway authorized by the Act of 1856, and therein described as the Main Line, as shall be rendered unnecessary in consequence of the Construction of the said new or deviated Portions of Railway.

Compensation to be made where Contracts have been entered into or Notices given.

VIII. Provided always, That in any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portions of Railway authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for the Injury or Damage (if any) sustained by such Persons or any of them by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portions of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Power to construct remaining Portions of Main Line and Branch according to altered Levels.

IX. Whereas Sections showing the Levels according to which the Main Line and Branch are intended to be made, completed, and maintained were on or shortly before the Thirtieth Day of *November* in the Year One thousand eight hundred and fifty-nine, deposited with the Clerks of the Peace for the Counties of *Salop* and *Montgomery*: Therefore, subject to the Provisions in this and the incorporated Acts contained, the Main Line and Branch shall be made within the Limits of lateral Deviation defined on the Plans referred to in the Act of 1856, but according to the Levels defined on the Sections deposited as aforesaid on or shortly before the Thirtieth Day of *November* One thousand eight hundred and fifty-nine.

Deviations to form Part of Undertaking.

X. The deviated Portions of Railway by this Act authorized shall be and be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, (except as regards the Periods for the Purchase of Lands and Completion of the Railways,) Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof; and the Capital of the Company shall be applicable to the Construction

struction of the same and of the said Approach Road, and the Clauses and Provisions of "The *Shrewsbury and Welchpool* Railway Act, 1856," shall be read and construed accordingly.

Power to cross certain Roads on the Level.

XI. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company to make, complete, and maintain the Main Line and Branch with a Single Line of Railway, (so long as the Railway shall be a Single Line,) or if the Railway shall at any time be made a Double Line, then with any Number of Lines of Railway not exceeding Two, across and on the Level of the several public Roads numbered on the Plans referred to in the Act of 1856 as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.
80	Meole Brace - - -	Public Road.
207	Pontesbury - - -	Public Road.

Trains not to be shunted across Roads to be crossed on a Level.

Provided always, that it shall not be lawful for the Company in shunting Trains to or from any Siding near to any such level Crossing to pass any such Trains over any of such level Crossings, or to allow any Train to stand across any of such level Crossings.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of the Board of Trade.

XII. The Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, and with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Lodge or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, also to a daily Penalty of Ten Pounds for every Day during which such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected instead of level Crossing.

XIII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level shall have been completed or opened for Public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before-mentioned Roads or either of them either over or under the Railway by means

means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings or any of them; but where any such Road shall be so carried over or under the Railway it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Inclinations of a certain Road.

XIV. In carrying the Road numbered on the Plans deposited for the Purposes of this Act 7 in the Parish of *Pontesbury* across the Railway it shall be lawful to make the Inclinations of such Road as steep but not steeper than One Foot in Fifteen Feet.

Powers for compulsory Purchases limited.

XV. The Powers of the Company for the compulsory Purchase or Taking of Lands for the Purposes of the deviated Portions of Railway and Approach Road shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Works.

XVI. The deviated Portions of Railway and Approach Road shall be completed within Two Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same shall cease.

Power to raise a further Sum not exceeding 30,000*l.* by Creation of Preference Shares.

XVII. It shall be lawful for the Company at any Time and from Time to Time, with the Authority of a General Meeting of the Company specially convened for the Purpose, to raise by the Creation of new Shares in their Undertaking, in addition to the Sum of One hundred and fifty thousand Pounds which the Company are authorized to raise by Shares by the Act of 1856, such further Sums as they shall from Time to Time think necessary or expedient, not exceeding in the whole the further Sum of Thirty thousand Pounds; and any Shares so created shall be appropriated and disposed of in such Manner and to such Persons, and shall entitle the Holders thereof to such Rights of voting, and to such Rights of Preference or Priority in Payment of Dividend, at any Rate not exceeding Five Pounds *per Centum per Annum*, and to such other Privileges as shall be determined by the Meeting, and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares and with respect to the Transfer and Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Consolidation of Shares into Stock, shall be applicable to the raising of such Sums by the Company

pany, and to the Shares by this Act authorized to be created, and to the Holders of such Shares: Provided always, that all and every Part of the Money raised by such Shares shall be applied only to Purposes authorized by this Act and by the Act of 1856, as altered and amended by this Act.

Preference Shares to be entitled to Dividends only out of the Profits of each Year.

XVIII. Any Shares issued by the Company under the Authority of this Act shall be entitled to the preferential Dividend assigned to them out of the Profits of each Year, in preference to the ordinary Shareholders of the Company; but if any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of preferential Dividend 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.

Interest on Calls not to be paid out of Capital.

XIX. 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.

XX. The Company shall not, out of any Money by this Act or by any other Act relating to the Company authorised to be raised, pay or deposit any Sum of Money which by any Standing Order of 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 other Railway or execute any other Work or Undertaking.

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

XXI. 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 Act of 1856.

Expenses of Act.

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

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