



CHAPTER ccviii.

An Act to authorise the construction of a Railway in extension of the Snailbeach District Railway in the county of Salop and for other purposes. [5th August 1891.] A.D. 1891.

WHEREAS the construction of the railways hereinafter described in the county of Salop would be attended with public and local advantage :

And whereas the persons hereinafter named with others are willing at their own expense to construct the said railways and it is expedient that they be incorporated into a company (in this Act called "the Company") and that the powers hereinafter contained should be conferred upon them :

And whereas it is expedient that the Company should be empowered to run over and use the railway and stations hereinafter in that behalf mentioned :

And whereas it is intended that the railway should be constructed and worked as a light railway subject to the provisions respecting light railways contained in the Regulation of Railways Act 1868 :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Salop and are hereinafter respectively referred to as the deposited plans sections and book 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

[Ch. ccviii.] *Shropshire Mineral (Light)* [54 & 55 VICT.]
Railway Act, 1891.

- A.D. 1891. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—
- Short title. 1. This Act may be cited as the Shropshire Mineral (Light) Railway Act 1891.
- Incorporation of Acts. 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 Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) 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 Company" means the Company incorporated by this Act "the railway" or "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. George Hale Andrewes William Jallings Frederick Eddles Thomas John Atkinson 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 railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Shropshire Mineral (Light) 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 hereinafter described with all proper stations sidings approaches 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 book of reference as may be required for those purposes The railways hereinbefore referred to and authorised by this Act will be situate in the county of Salop and are—

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1. A railway (No. 1) four miles six furlongs and 4·80 chains in length commencing in the parish of Minsterley by a junction with the Snailbeach District Railway at a point seventeen chains or thereabouts measuring in a north-easterly direction from the north-east face of the Primitive Methodist Chapel at Snailbeach and terminating in the parish of More at a point in the end of a triangular field belonging or reputed to belong to Robert Jasper More and in the occupation of William France and Mary Bennett (numbered 118 on the 25-inch ordnance map of Shropshire) distant sixteen chains or thereabouts in a south-westerly direction from the southern corner of the winding engine house of the Rock House Mine;
2. A railway (No. 2) three miles four furlongs and three chains in length commencing in the parish of Worthen by a junction with Railway No. 1 before described at a point on the said western fence of a field belonging or reputed to belong to the Earl of Tankerville and others and in the occupation of Edward Lewis (numbered 3756 on the 25-inch ordnance map of Shropshire) thirty-three yards or thereabouts measured in a northerly direction along the said fence from the road fence in the front of a cottage called New House and terminating in the parish of Shelve at a point in a field ten and a half chains measured in a north-easterly direction along the road leading from Ladywell Mine to the Roman Gravels Mine from the north-eastern face of the Magazine near the fifth mile stone from Minsterley to Bishop's Castle which field belongs to or is reputed to belong to Robert Jasper More and in the occupation of John Powell;
3. A railway (No. 3) four miles two furlongs and 8·00 chains in length commencing in the parish of More by a junction with Railway No. 1 at the termination thereof before described and terminating in the parish of Ratlinghope at the gate between the township road from Gatten Lodge to Bridges and the road to the Hollies in the parish of Ratlinghope.
6. The railway is intended to be constructed and maintained on a gauge of two feet four inches.

Gauge of
railways.

A.D. 1891.

Restricting
weight of
engines and
speed of
trains on
railway.

7. The traffic on the railway shall not be worked by engines exceeding eight tons in weight on each pair of wheels nor at a higher maximum speed than twenty-five miles an hour unless the Board of Trade by licence authorise engines of greater weight and trains of a higher rate of speed on the railway and then only by engines and trains not exceeding the weight and speed specified in any such licence and if the Company or any company working or using the railway or any person fails to comply with or acts in contravention of this provision or of any such licence or directs anyone so to fail or act every such company or person shall be liable to a penalty for each offence not exceeding twenty pounds and to a like penalty for every day during which the offence continues.

Capital.

8. The capital of the Company shall be seventy-five thousand pounds in seven thousand five hundred shares of ten pounds each.

Shares not
to be issued
until one-
fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person 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.

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

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 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 five pounds 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 would have from time to time been payable on the entire share if the same had not been divided. A.D. 1891.

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

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 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. Half shares to be registered and certificates issued.

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. Terms of issue to be stated on certificates.

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 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. Forfeiture of preferred shares.

A.D. 1891.

Preferred
shares not to
be cancelled
or surrendered.

Half shares
to be half
shares in
capital.

Receipt in
case of per-
sons not sui
juris.

Power to
borrow.

For appoint-
ment of a
receiver.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

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 hereinbefore contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

19. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

20. The Company may in respect of the capital of seventy-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds but no part thereof shall be borrowed until the whole of the capital of seventy-five thousand pounds is issued and accepted and one-half thereof is paid up and the Company 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 the whole of such capital has 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 in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

21. 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 two thousand pounds in the whole.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or 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 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

A.D. 1891.
 Debenture
 stock.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied to the purposes of this Act only to which capital is properly applicable.

Application
 of moneys.

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

First
 ordinary
 meeting.

25. The number of directors shall be five but the Company may from time to time reduce and increase the number provided that the number be never less than three nor more than five.

Number of
 directors.

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

Qualification
 of directors.

27. The quorum of a meeting of directors shall be three.

Quorum.

28. George Hale Andrewes William Jallings Frederick Eddles Thomas John Atkinson and one other person 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 they continue 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 hereinbefore contained for increasing or 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 or disqualified nor having died or resigned shall continue

First
 directors.

Election of
 directors.

A.D. 1891. to be directors until others are elected in their stead in manner provided by the same Act.

Lands for
extra-
ordinary
purposes.

29. The Company may purchase by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding three acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Restrictions
on displacing
persons of
labouring
class.

30.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit:

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any such scheme or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court :

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it thinks fit reduce such penalty :

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act :

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any

A.D. 1891. of the requirements of this sub-section subject to such conditions (if any) as they may see fit:

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section:

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875:

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector:

(11) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take easements &c. by agreement.

31. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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 rent-charges 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.

Period for compulsory purchase of lands.

32. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

33. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say) :—

A.D. 1891.
Widths of
certain road-
ways.

No. on Deposited Plan.	Parish	Description of Roadway.	Width of Roadway.
176	Worthen - - -	Public - - -	20 feet
45	Ditto - - -	Ditto - - -	20 feet
88	Wentnor - - -	Ditto - - -	20 feet

34. 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 three thousand seven hundred and four pounds fourteen shillings two and three-quarters per centum Consolidated Stock being five per centum upon the amount of the estimate in respect of the railways has been deposited with the Paymaster-General for and on behalf of the Supreme Court 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 High Court 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

Deposit
money not
to be repaid
except so
far as rail-
way opened.

A.D. 1891. — 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.

35. If the Company do not previously to the expiration of the period limited by this Act 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 High Court 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore 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 railways.

36. If the railways are not completed within five 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 railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tolls.

37. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

In respect of passengers and animals conveyed upon the railways or any part thereof as follows :— A.D. 1891.

For every person twopence per mile and if conveyed in or upon a carriage provided by the Company an additional sum of one penny per mile ;

Class 1. For every horse ass mule or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage provided by the Company an additional sum of one penny per mile ;

Class 2. For every ox cow bull or head of neat cattle twopence per mile and if conveyed in or upon a carriage provided by the Company an additional sum of one penny per mile ;

Class 3. For every calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon a carriage provided by the Company an additional sum of one halfpenny per mile :

In respect of all articles conveyed upon the railways or any part thereof as follows :—

Class 4. For all coals coke cannel ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron limestone chalk lime bricks salt sand fireclay cinders slag and stone per ton per mile one penny and if conveyed in or upon a carriage provided by the Company an additional sum per ton per mile not exceeding one halfpenny ;

Class 5. For all dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways and for heavy iron castings including railway chairs per ton per mile one penny halfpenny and if conveyed in or upon a carriage provided by the Company an additional sum per ton per mile not exceeding one halfpenny ;

Class 6. For all culm charcoal and all stones for building pitching and paving all tiles slates clay (except fireclay) sugar grain corn flour hides dye-woods earthenware timber and deals metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile twopence and if conveyed in or upon a carriage provided by the Company an additional sum per ton per mile not exceeding one penny ;

Class 7. For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton per mile threepence and if

A.D. 1891.

conveyed in or upon a carriage provided by the Company an additional sum per ton per mile not exceeding one penny ;

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 conveyed on a truck or platform sixpence per mile and a sum of one penny half-penny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh And if conveyed on a truck or platform provided by the Company an additional sum per ton per mile not exceeding twopence.

Tolls for
propelling
power.

38. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods or for each carriage or other article in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

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

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

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 and goods 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 ;

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 ;

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

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak elm 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.

40. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding the rates prescribed by this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

A.D. 1891.
Tolls for
small parcels
and articles
of great
weight.

For the carriage of small parcels on the railways or on any part thereof as follows:—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

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

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

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and fourpence;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eightpence; and

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit:

Provided always that articles sent in large aggregate quantities although made up of 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 as follows:—

For 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 sixpence per ton per mile;

For the carriage of any single piece of timber stone machinery 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.

41. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive

Maximum
rates for
passengers.

A.D. 1891. 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 halfpenny per mile.

Maximum rates for animals and goods.

42. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways 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 calf pig or sheep in Class 3 one penny per mile and for every lamb or other small animal three farthings 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 on a truck or platform sixpence per mile and for every additional quarter of a ton in weight one penny halfpenny per mile.

Passengers' luggage.

43. Every passenger travelling upon the railways may take with him his ordinary or personal 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.

44. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

45. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit 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 upon the railways.

A.D. 1891.

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

47. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied. Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of rates.

48. The Company and any company or persons working or using the railway of the Company or any part thereof may run over and use with their engines carriages and waggons and with officers and servants and for the purposes of their traffic of every description the Snailbeach District Railway together with all terminal and other stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said railway and stations respectively.

Running powers over Snailbeach Railway.

49. The terms conditions and regulations to which the Company and such other company and persons as aforesaid shall in exercising the before-mentioned running powers be subject and the tolls or other consideration to be paid by them in respect thereof shall if not agreed upon be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and any company or person who shall refuse or neglect to perform observe and conform to any decision given or regulation made by

Terms upon which running powers are to be exercised.

A.D. 1891. any such arbitrator in the premises shall forfeit and pay to such company or person as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue but in exercise of the before-mentioned powers the bye-laws for the time being in force on the undertaking so used so far as such bye-laws shall be applicable shall be observed.

Tolls on traffic conveyed partly on the railway and partly on other railway.

50. During the exercise of the running powers by this Act conferred the railways of the Company and of the company over whose railway such running powers are exercised shall for the purpose 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 such 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 such other railway.

Power to pay interest out of capital during construction.

51. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same ;
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (C) The aggregate amount to be so paid for interest shall not exceed six thousand pounds and the amount so paid shall not

be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid; A.D. 1891.

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares;

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the 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.

52. 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. Deposits for future Bills not to be paid out of capital.

53. Nothing in this Act contained shall exempt the Company or the railways 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. Provision as to general Railway Acts.

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

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