



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxiii.

An Act to authorize the *Bishop's Castle* Railway Company to extend their Railway to the *Minsterley* Branch of the *Shrewsbury and Welshpool* Railway in *Shropshire*; and for other Purposes.

[29th June 1865.]

WHEREAS the *Bishop's Castle* Railway Company (who are meant when the Expression "the Company" is hereinafter used) were incorporated by "The *Bishop's Castle* Railway Act, 1861," for making Railways from the *Oswestry and Newtown* Railway near *Montgomery* to *Bishop's Castle* and other Places in the County of *Salop*: And whereas it is expedient that the Company should be authorized to make a Communication between their Main Line in the Parish of *Chirbury* in *Shropshire* and the *Minsterley* Branch of the *Shrewsbury and Welshpool* Railway in *Minsterley* in the Parish of *Westbury* in the same County: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken for the Purposes of the Railways have been deposited with the Clerk of the Peace for the said County: And whereas the Purposes aforesaid

[*Local.*] 27 P cannot

24 & 25 Vict.
c. ciii.

The Bishop's Castle Railway (Further Powers) Act, 1865.

cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title. 1. This Act may be cited for any Purpose as "*The Bishop's Castle Railway (Further Powers) Act, 1865.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. and Part III. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpreta-
tion of
Terms. 3. In this Act the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed, and the Expression "Superior Courts," or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

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

Company
may apply
their Funds
towards Pur-
poses of Act,
and may
raise addi-
tional Capi-
tal by Shares
or Stock. 5. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking; and the Company may, for the same Purposes, from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole One hundred thousand Pounds, by the Creation of new Ordinary and new Preference Shares or Stock in their Undertaking, or (at the Option of the Company) by either of these Modes, which Shares or Stock shall form Part of the general Capital of the Company: Provided, that it shall not be lawful for the Company to issue any Preference Shares or Stock until their Railway from *Montgomery* to *Bishop's Castle* is open for public Traffic.

Limit of
Amount and
Number of
Calls. 6. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months

The Bishop's Castle Railway (Further Powers) Act, 1865.

Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

7. 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 Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

8. The Proprietors of any Shares to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

As to the Votes of Proprietors of such Shares.

9. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Thirty-three thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that Half of such additional Capital has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Power to borrow on Mortgage.

10. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be created by virtue of this Act.

Existing Mortgages to have Priority.

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

Application of Sums raised under this Act.

12. The

The Bishop's Castle Railway (Further Powers) Act, 1865.

Parts of
8 & 9 Vict.
c. 16., and
26 & 27 Vict.
c. 118. in-
corporated.

12. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

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

With respect to the Transfer or Transmission of Shares;

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

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

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

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

With respect to the Consolidation of Shares into Stock;

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

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

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

Relating to Cancellation and Surrender of Shares;

Relating to additional Capital; and

Relating to Debenture Stock,

Shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed under the Powers of this Act.

Powers for
compulsory
Purchases
limited.

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

Lands for ex-
traordinary
Purposes.

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

Power to
make Rail-
ways accord-
ing to depo-
sited Plans.

15. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations in the Lines and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels described on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

16. The

The Bishop's Castle Railway (Further Powers) Act, 1865.

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

Describing
Railways.

(No. 1.) A Railway commencing by a Junction with the authorized Main Line of the *Bishop's Castle Railway* (such Main Line being the Railway first described in the Twentieth Section of the recited Act) in the Parish of *Chirbury* in *Shropshire*, and terminating in the Chapelry of *Minsterley* in the Parish of *Westbury* in the same County, by a Junction with the *Minsterley Branch* (in the *Shrewsbury and Welshpool Railway Act, 1856*, called "the Branch") of the *Shrewsbury and Welshpool Railway* :

(No. 2.) A Railway commencing in the said Parish of *Chirbury* by a Junction with the said authorized Main Line of the *Bishop's Castle Railway*, and terminating in the same Parish by a Junction with Railway No. 1. by this Act authorized.

17. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Road numbered on the said deposited Plans 2, in the Parish of *Chirbury*, over or under the Railways, as that the Inclination on the One Side shall not be steeper than One in Ten, and that on the other Side the Road shall be level.

Regulating
Inclination
of certain
Road.

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

Period for
Completion
of Railways.

19. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Six thousand Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Seventy-five thousand Pounds, the estimated Cost of the Railways: Be it enacted, That notwithstanding anything contained in the said recited Act the said Sum of Money so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the Railways for the public Conveyance of Passengers or prove to the Satisfaction of the Lords of the Committee

Money de-
posited in
the Court of
Chancery to
be forfeited
in a certain
Event.

[Local.]

27 Q

of

The Bishop's Castle Railway (Further Powers) Act, 1865.

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

The Bishop's Castle Railway (Further Powers) Act, 1865.

20. The Company may demand and take, in respect of the Railways, Tolls, and Charges not exceeding those which they are authorized to take for and in respect of the Railway authorized by "The *Bishop's Castle Railway Act, 1861*," and the Railways hereby authorized shall, for the Purposes of Toll and in all other respects, be deemed Part of the *Bishop's Castle Railway*, as if authorized by the said Act.

Power to
take Tolls
as in
24 & 25 Vict.
c. ciii.

21. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest on
Calls not to
be paid out
of Capital.

22. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
Capital
raised under
this Act.

23. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Railways
not exempt
from Provi-
sions of pre-
sent and
future Gene-
ral Acts.

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

Expenses of
Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.

