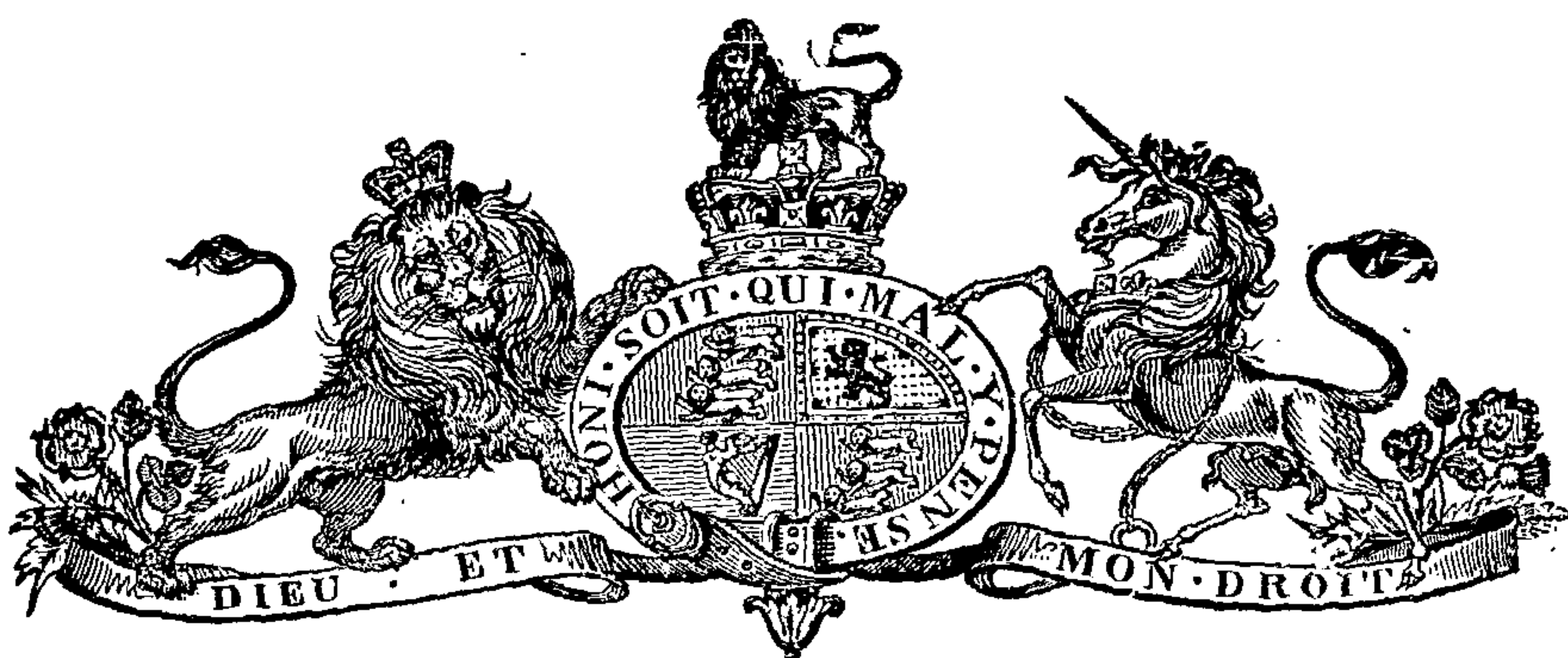




ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. clxviii.

An Act for enabling the *London and North-western*
Railway Company to construct new Railways ;
and for other Purposes. [16th July 1866.]

WHEREAS it is expedient that the *London and North-western* Railway Company should be empowered to construct the Railways in this Act mentioned, and to raise additional Capital for such Purpose : And whereas Plans and Sections showing the respective Lines and Levels of the proposed Railways and Works by this Act authorized, and the Lands which the Company are by this Act empowered to acquire and appropriate, and Books of Reference to such Plans, have been deposited with the Clerks of the Peace for the several Counties within which those respective Railways and Works will be constructed : 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as "The *London and North-western* Railway (New Lines) Act, 1866." Short Title.

[*Local.*]

26 A

2. "The

The London and North-western Railway (New Lines) Act, 1866.

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and Part II. (relating to additional Capital of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpre-
tation of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the *London and North-western Railway Company*; the Expression "the Railway" or "the Railways" shall mean the Railways by this Act authorized, or any Part thereof; and 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

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

4. Subject to the Provisions of this Act, the Company may make and maintain, in the Lines and according to the Levels shown on the deposited Plans and Sections, the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use, and appropriate such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose; the Railways herein-before referred to and authorized by this Act are,—

A Railway (Fourteen Miles Three Furlongs and Eight Chains or thereabouts in Length) commencing in the Township and Parish of *Whitchurch* in the County of *Salop* by a Junction with the *Shrewsbury and Crewe* Branch of the Company's Railway, and terminating in the Township of *Hatton* in the Parish of *Waverton* in the County of *Chester* by a Junction with the *Chester and Crewe* Branch of the Company's Railway:

A Railway (One Mile Three Furlongs and Two Chains or thereabouts in Length) commencing in the Township of *Moulton* in the Parish of *Davenham* in the County of *Chester* by a Junction with the *Grand Junction* Railway of the Company, and terminating in the Township of *Wharton* in the Parish of *Davenham* in the same County on the East Side of the River *Weaver*:

A Branch Railway (One Furlong and Six and a Half Chains or thereabouts in Length) from and out of the last-mentioned intended

The London and North-western Railway (New Lines) Act, 1866.

intended Railway, and terminating by a Junction with the Railway or Tramway belonging to *Josiah Perrin* and the *Wheelock Iron and Salt Company, Limited*, or One of them, which intended Branch Railway will be wholly situate within the Township of *Wharton* aforesaid :

A Railway (Three Miles One Furlong and Nine Chains or thereabouts in Length) commencing in the Township of *Quick* in the Parish of *Saddleworth* or *Rochdale* in the West Riding of the County of *York* by a Junction with the Company's Railway, and terminating in the Township of *Marsden* or *Marsden-in-Almondbury* in the Parish of *Almondbury* in the said West Riding by a Junction with the Company's Railway there :

A Railway (Two Miles Six Furlongs and Five Chains or thereabouts in Length) commencing in the Township of *Prestatyn* in the Parish of *Meliden* in the County of *Flint* by a Junction with the *Chester and Holyhead* Railway of the Company, and terminating in the Parish of *Dyserth* in the same County :

A Railway (Four Miles Four Furlongs and Seven Chains or thereabouts in Length) commencing in the Parish or Township of *Tryddyn* in the County of *Flint* by a Junction with the *Ffrith* Branch of the *Mold* Railway of the Company, and terminating in the Township of *Mold* in the Parish of *Mold* in the said County of *Flint* by a Junction with the said *Mold* Railway :

And (subject as herein-after mentioned with reference to the Two last-named Railways) the said Railways and the Works connected therewith shall, with respect to Tolls, Rates, and Charges, and for all other Purposes whatever, be Part of the Undertaking of the Company : Provided that the Tolls, Rates, and Charges to be demanded and taken in respect of the Two last-named Railways shall be the same Tolls, Rates, and Charges as shall for the Time being be demanded and taken in respect of the *Birkenhead* Railway, and as if such Two Railways had formed Part of the *Birkenhead* Railway.

5. The Company from Time to Time may raise for the Purposes of this Act by the Creation and Issue of Shares such Sums of Money as they shall think necessary, not exceeding Six hundred and forty thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament, and the Company may create and issue such Shares either wholly or partially as ordinary or wholly or partially as preferential Shares, as they may think fit.

Power to Company to raise additional Money by Creation of Shares or Stock.

6. The Company shall not issue any Share created under the Authority of this Act, nor shall any 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 shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

7. If

The London and North-western Railway (New Lines) Act, 1866.

New Shares raised under this Act and any other Act of this Session may be of same Class ;

7. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of new Shares of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Except as otherwise provided new Shares created by Company to be subject to same Incidents as ordinary Shares.

8. Except as is by this Act otherwise provided, the Share Capital created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that Capital were Part of the now existing ordinary Share Capital of the Company, and those Shares were Shares in that ordinary Capital.

Dividends on new Shares created by Company.

9. Every Person who becomes entitled to a Share created by the Company under this Act shall in respect of the same be a Shareholder in the Company, and shall be entitled to a Dividend, either preferential or ordinary, as the Case may be, with the other Holders of Shares of the same Class or Description, proportioned to the whole Amount from Time to Time called and paid on such new Shares.

Votes and Qualifications in respect of Shares created by Company.

10. The Holders of the Shares created under this Act shall have Rights of voting and Qualifications in respect thereof on the Principle that each Sum of One hundred Pounds paid up in respect of the Shares held by any such Holder shall be deemed equivalent to One original Share of One hundred Pounds in the Capital of the Company as prescribed by their Act of Incorporation: Provided that no Person shall be entitled to vote in respect of any less Amount than One hundred Pounds paid up; provided also, that (unless otherwise specified in any Resolution of the Company) no Person shall be entitled to vote in respect of any Share created or issued under this Act to which a preferential Dividend shall be assigned.

Power to borrow on Mortgage.

11. The Directors of the Company may from Time to Time borrow on Mortgage, and, if subsequently paid off, may again re-borrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company not exceeding in the whole Two hundred and thirteen thousand Pounds, in addition to the Sums which they are already authorized to borrow or which they may be authorized to borrow by any other Act or Acts of Parliament, and for securing the Repayment of the Sums so borrowed, with Interest, may mortgage the Undertaking belonging to them; but no Part thereof shall be borrowed until
Shares

The London and North-western Railway (New Lines) Act, 1866.

Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been issued and taken up, and One Half thereof shall have been 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 Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares have been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued and taken *bonâ fide*, and are held by Persons or their Assigns, and that such Persons or their 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.

12. All Mortgages or Bonds granted or to be granted under the Authority of any former Act relating to the Company shall during the Continuance thereof have Priority over any Mortgages granted by virtue of this Act. Former Mortgages to have Priority.

13. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only. Application of Monies.

14. The Company may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage, by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable. Power to apply Corporate Funds to Purposes of Act.

15. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Six Acres. Lands for extraordinary Purposes.

16. 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 from the passing of this Act. Powers for compulsory Purchases limited.

17. The Railways 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 Railway, 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 Works.

[Local.]

26 B

18. In

The London and North-western Railway (New Lines) Act, 1866.

Inclinations
of certain
Roads.

18. In altering, for the Purposes of this Act, the Roads next herein-after mentioned, the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
13	Hope	Public	1 in 14 on one Side and level on the other.
76	Malpas	Public	1 in 12 on one Side and level on the other.
63	Meliden	Public	1 in 9 on one Side and level on the other.
30	Tryddyn	Public	1 in 10 on one Side.

Notice to be
given of
taking
Houses of
Labouring
Classes.

19. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Penalty for
Non-comple-
tion of Rail-
way within
Time
limited.

20. If the Railway by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provision herein-after contained) the Company shall be liable to forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railways shall remain unopened, which Amount shall be a Debt from the Company to the Crown, and be recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may be prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control (of which Prevention, and of the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence), and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly: Provided always, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Not to enter
upon Lands
of R. P.
Ethelstone,
Esq., without
Consent.

21. The Company shall not, without the previous Consent in Writing of *Robert Peel Ethelstone* Esquire, take, use, or enter upon any of his Lands or give any Notice of their Intention so to do, but the Company may obtain an Act for authorizing them to make a Deviation

The London and North-western Railway (New Lines) Act, 1866.

Deviation of the Line of the Railway between *Whitchurch* and *Tattenhall*, where it will pass through his Estate, so as to carry the Line Side by Side with the *Wrexham, Mold, and Connah's Quay* Railway, if made so far as such Two Lines run parallel with each other, and so as not to come nearer (unless the said *Wrexham, Mold, and Connah's Quay* Railway comes nearer) the Mansion of the said *Robert Peel Ethelstone* than shown upon the Plan produced to and signed by the Right Honourable the Earl of *Cathcart*, and the said *Robert Peel Ethelstone* will not oppose such Deviation.

22. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land or Hereditaments, or any Rights of whatsoever Description, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving
Rights of
the Crown.

23. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

Interest not
to be paid
on Calls
paid up.

24. The Company shall not, out of any Money by this Act authorized 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 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.

25. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made 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

Railways
not exempt
from Pro-
visions of
present and
future
General
Acts.

The London and North-western Railway (New Lines) Act, 1866.

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 authorized by this Act.

Expenses of
Act.

26. 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.

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