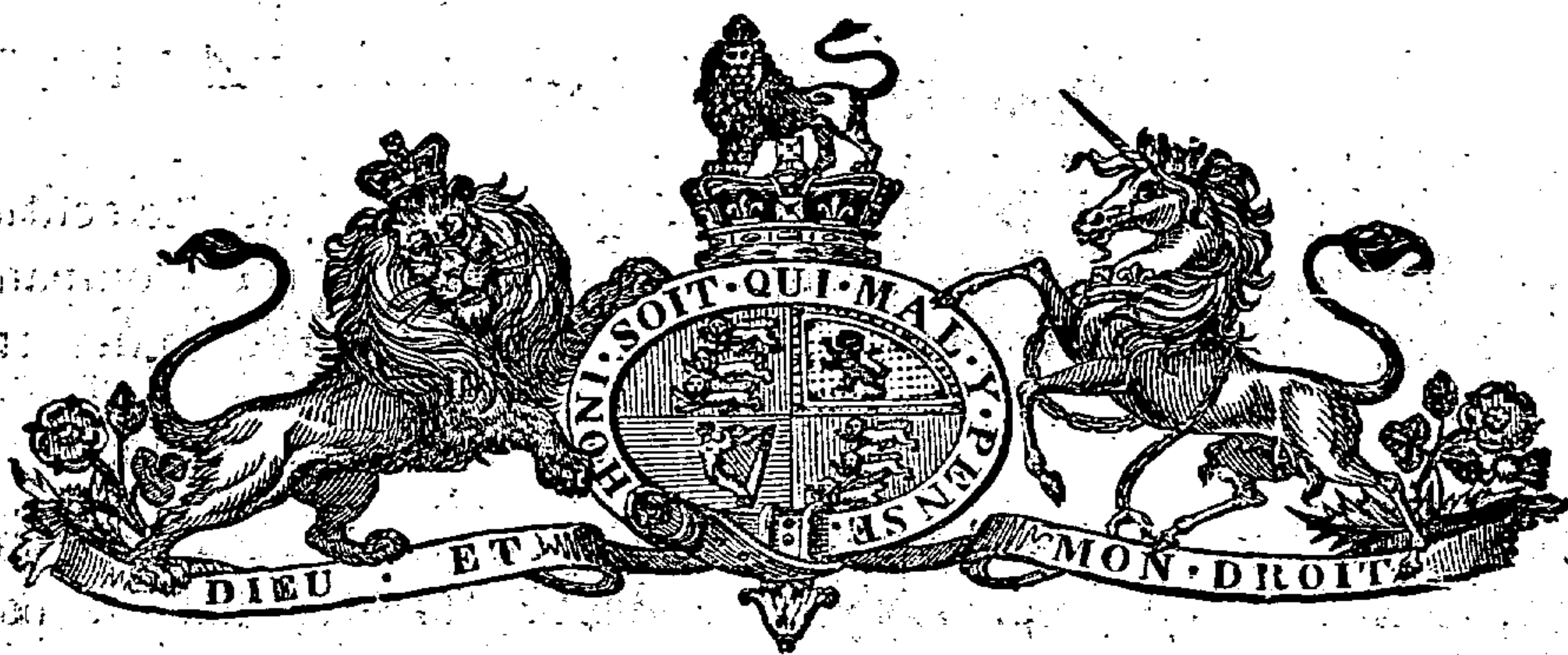




ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxiii.

An Act for enabling the *London and North-western* Railway Company to construct new Railways, Deviations, and other Works; and for other Purposes. [15th July 1867.]

WHEREAS it is expedient that the *London and North-western* Railway Company should be empowered to construct the Railways, Roads, and other Works in this Act mentioned: And whereas Plans and Sections showing the respective Lines and Levels of the Railways, Roads, and other 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, Roads, and other Works will be constructed, and those Plans and Sections, and Books of Reference, are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient that further Provision should be made with respect to the Dimensions of the Bridges by which the *Whitchurch and Tattenhall* Railway of the Company will be carried over certain public Roads: And whereas it is expedient that the Company should become joint Owners with the *Rhymney* Railway Company of a Portion of the Undertaking of the

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last-named Company: And whereas it is expedient that the Company should be authorized to raise further Capital for the Purposes of this Act: 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*The London and North-western Railway (New Lines) Act, 1867.*"

8 & 9 Vict.
cc. 16. 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) and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," and the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

The Distribution of the Capital of the Company into Shares;
The Transfer or Transmission of Shares;
The Payment of Subscriptions, and the Means of enforcing the Payment of Calls;
The Forfeiture of Shares for Nonpayment of Calls;
The Consolidation of Shares into Stock;
The Remedies of Creditors of the Company against the Shareholders;
The borrowing of Money;
The Conversion of the borrowed Money into Capital;
The General Meetings of the Company;
The making of Dividends;
The giving of Notices;
The Provision to be made for affording Access to the Special Act, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation 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:

The

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The Expression "the *Whitchurch and Tattenhall* Railway" shall mean the Railway authorized by and first described in "The *London and North-western Railway (New Lines) Act, 1866*:"

The Expression "the *Mold and Tryddyn* Railway" shall mean the Railway sixthly described in and authorized by "The *London and North-western Railway (New Lines) Act, 1866*:"

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.

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, Roads, and other Works herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, and may exercise the several other Powers herein-after mentioned, and may enter upon, take, use, and appropriate such of the Lands delineated on the deposited Plans, and described in the deposited Books of Reference, as may be required for that Purpose.

Power to make Railways, &c. according to deposited Plans.

The Railways herein-before referred to and authorized by this Act are—

1. A Railway (Two Miles Six Furlongs Three Chains or thereabouts in Length, and being a Deviation of the *Whitchurch and Tattenhall* Railway,) commencing in the Township and Parish of *Whitchurch* in the County of *Salop*, from and out of the said *Whitchurch and Tattenhall* Railway, and terminating in the Township of *Bradley* in the Parish of *Malpas* in the County of *Chester* by a Junction with the *Whitchurch and Tattenhall* Railway, which Deviation is herein-after referred to as "the *Whitchurch* Deviation:"
2. A Railway (Two Miles One Furlong Two Chains or thereabouts in Length, and being another Deviation of the *Whitchurch and Tattenhall* Railway,) commencing in the Township of *Broxton* in the Parish of *Malpas* in the County of *Chester*, from and out of the *Whitchurch and Tattenhall* Railway, and terminating in the Township of *Chowley* in the Parish of *Coddington* in the same County by a Junction with the *Whitchurch and Tattenhall* Railway, which Deviation is herein-after referred to as "the *Malpas* Deviation:"
3. A Railway (Two Furlongs or thereabouts in Length) in the Parishes of *Abergavenny* and *Llantillio Pertholey* in the County of *Monmouth*, commencing by a Junction with the *Merthyr*,

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Rates, and Charges than are authorized by "The Merthyr, Tredegar, and Abergavenny Railway Act, 1859," and in respect of the Use of the *Whitchurch* Deviation, the *Malpas* Deviation, and the *Mold and Tryddyn* Deviation, and the other Railways by this Act authorized, the Company shall not demand any higher Tolls, Rates, and Charges than are authorized by the Act (Local and Personal) 9 & 10 Vict. c. 204., entitled *An Act to consolidate the London and Birmingham, Grand Junction, and Manchester and Birmingham Railway Companies.* 9 & 10 Vict. c. cciv.

The Roads and other Works herein-before referred to and authorized by this Act are—

1. An Alteration in the Township of *Bradley* in the Parish of *Malpas* in the County of *Chester* of the Line and Levels of so much of the public Road leading from the *Whitchurch and Malpas* Turnpike Road to *Crossall Hill* as lies between a Point in the Field numbered on the Plans referred to in "The *London and North-western Railway (New Lines) Act, 1866*," 74 in the Parish of *Malpas* and a Point in the Field numbered on those Plans 75 in the same Parish;

And the Company may stop up and discontinue as a public Road, and appropriate to the Purposes of their Undertaking, so much of the said Road as lies between the Points aforesaid:

2. A new Road in the Township and Parish of *Malpas* in the County of *Chester*, commencing at a Point on the public Road leading from *Malpas* to *Cholmondeley* Forty Yards or thereabouts measured in a Westerly Direction from the Point where that Road crosses the *Bawbrook*, and terminating at a Point on the said Road One hundred and eighty Yards or thereabouts measured in a Westerly Direction from the said Point of Crossing;

And the Company may stop up and discontinue as a public Thoroughfare so much of the present Road as will be crossed by the *Whitchurch and Tattenhall* Railway:

3. A new Road in the Township of *Edge* in the Parish of *Malpas* in the County of *Chester*, commencing from and out of the public Road leading from the *Whitchurch and Chester* Turnpike Road, near the *New Inn* to *Simmonds Green*, and terminating in the public Highway leading from the said public Road to the said Turnpike Road near *Edge House*:

4. A new Road in the same Township and Parish, commencing from and out of the said Road No. 3, about midway between the Commencement and Termination thereof, and terminating at or near the Point where the public Road and public Highway before described form a Junction;

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pany desire to form a Junction with the Down or Eastern Line of the said Railway of the *Great Western Railway Company*, and the *Great Western Railway Company* object thereto, the Necessity for such Junction shall be referred to an Arbitrator, to be appointed by the Board of Trade, on the Application of either Company; and if the said Arbitrator awards that such Junction is necessary the same shall be formed at such a Place, and in such a Manner or Way, and on such Terms as the Company and the *Great Western Railway Company* agree upon, or, failing Agreement, as shall be settled by the said Arbitrator, and the Expense of the Arbitration or Arbitrations shall be borne and paid by the Company; and such Junctions shall only be used for the Purposes of carrying Traffic which the Company are now authorized to carry or convey on or over the *Newport, Abergavenny, and Hereford Railway* of the *Great Western Railway Company*.

8. Notwithstanding anything herein or in the incorporated Acts contained, it shall not be lawful for the Company nor any Person acting under or in execution of this Act to enter upon, occupy, or use, either permanently or temporarily, any of the Lands, Works, or Property of the *Great Western Railway Company*, or in any Manner to alter, vary, or interfere with their Railway or Works, without the Consent of that Company under their Common Seal, save only for the Purpose of effecting the Junctions and Communications delineated on the Plan signed by *William Cawkwell* and *James Grierson*.

Not to take Lands, or interfere with *Great Western Railway Company*, except for the Purpose of a Junction.

9. 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 Two hundred 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 raise additional Money by Creation of Shares.

10. 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.

11. 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.

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

12. The

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27. 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,)

Inclinations
of certain
Roads.

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
15	Malpas - -	Public Road -	1 in 17 on one Side, and level on the other.
26	Malpas - -	Turnpike Road	1 in 20.
3	Malpas - -	Bridle Road -	1 in 12 on One Side.
13	Gellygaer -	Turnpike Road	1 in 22.
3	Merthyr Tydfil	Turnpike Road	1 in 21.

28. The Company, in constructing the *Whitchurch and Tattenhall* Railway and the Railways by this Act authorized, may make the Arches of the Bridges for carrying those Railways over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,)

Heights and
Spans of
certain
Bridges.

Number on the Plans of the Whitchurch and Tattenhall Railway referred to in the London and North-western Railway (New Lines) Act, 1866.	Parish.	Description of Road.	Height.	Span.
76	Malpas -	Public Road -	15 Feet -	20 Feet.
84 and 85	Malpas -	Public Road -	15 Feet -	20 Feet.
173 and 177	Malpas -	Public Road -	15 Feet -	20 Feet.
12	Coddington	Public Road -	15 Feet -	20 Feet.
22	Coddington	Public Road -	15 Feet -	20 Feet.

Number on the deposited Plans.	Parish.	Description of Road.	Height.	Span.
27	Gellygaer -	Public Road -	15 Feet -	20 Feet.
6	Abergavenny	Turnpike Road	16 Feet -	20 Feet.

29. The Company, in constructing the *Whitchurch and Tattenhall* Railway and the Railways by this Act authorized, may make the Roadway over the Bridges by which the following Roads will be carried over those Railways of such Width between the Fences thereof

Widths of
certain
Roadways.

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(B.) The Company shall not bore, cut, or embank any of the Lands from Time to Time belonging to or occupied by the Iron Company which may not be necessarily taken by the Company for the Construction as herein authorized of the Railway, and the Cuttings, Embankments, Viaducts, and Arches thereof (all which Lands not necessarily so taken are herein called the *Dowlais* Lands), or, except as hereinafter provided, lay any Spoil or Material upon any of the *Dowlais* Lands, or dig or remove therefrom any Earth, Stone, Gravel, Sand, or other Materials, or construct any temporary or permanent Works thereupon, or enter upon, take, or use the same, either temporarily or permanently, for any Purpose: Provided always, that the Company may lay Spoil or Material upon those Parts of the *Dowlais* Lands which shall from Time to Time be indicated for the Purpose by the Iron Company in Writing, and upon any Part thereof not so indicated upon which the Company would, but for the Provisions of this Section, be entitled to lay Spoil, for any Period during which the Iron Company neglect, after Twenty-eight Days Notice, to indicate a Portion of the *Dowlais* Lands for the Purpose: Provided also, that any Part of the *Dowlais* Lands to be so indicated need not be nearer to the Railway by this Act authorized than One hundred Yards:

(C.) The Company shall not use, obstruct, or interfere with any of the *Dowlais* Lands used or occupied by the Iron Company for the Deposit of Spoil or Rubbish, or alter or divert any Carriage or other Road, Railway, or Tramway in or upon any of the *Dowlais* Lands, or prevent the Iron Company from using or enjoying the same, or any of them, in as full and ample a Manner as if this Act had not been passed.

31. The Company shall, at their own Expense in all Things, make, and from Time to Time for ever thereafter maintain in good Repair, for the Use and Accommodation of the Iron Company, and to their reasonable Satisfaction, the several Works next herein mentioned:

Company to make certain Works for Dowlais Iron Company.

1. Near the Point shown on the deposited Plans as 1 Mile 6 Furlongs 6 Chains a convenient and substantial Bridge over the Railway, with all proper and necessary Approaches and connected Works, for the Purpose of carrying the Iron Company's Tramway, without Alteration of its Line or Level, and for any other Purpose of the Iron Company, of the clear Width between the Parapets of Twelve Feet throughout, measured at Right Angles to the Line of the Tramway:

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Purposes of the Iron Company, of the clear Width between the Parapets of Twelve Feet measured at Right Angles :

8. At or near the Point shown on the deposited Plans as 2 Miles and 7 Furlongs 1 Chain a convenient and substantial Bridge over the Railway, with all necessary and proper Approaches and connected Works, for the Passage of Foot Passengers, and for the general Purposes of the Iron Company, of the clear Width between the Parapets of Twelve Feet measured at Right Angles :

And the Company shall from Time to Time, and at all Times hereafter when called upon by the Iron Company, at the joint and equal Expense of the Company and of the Iron Company, make, and from Time to Time for ever thereafter maintain, for the Use and Accommodation of the Iron Company, and to their reasonable Satisfaction, all other Roads and Bridges over and all other Tunnels and other Communications under those Parts of the Railway which shall be formed upon or through the Lands belonging to or occupied by the Iron Company, and all other Accommodation Works, so as effectually to preserve to the Iron Company the full and ample Use and Enjoyment from Time to Time of their Works and Lands, and of all Roads, Railways, Tramways, Reservoirs, Drains, Watercourses, and Waters upon or connected therewith.

32. And whereas the *Dowlais Extension* Railway is proposed to be constructed and maintained in close Proximity to certain Reservoirs, respectively shown on the deposited Plans, at or near the Points severally marked thereon 1 Mile 4 Furlongs and 2 Miles 5 Furlongs, and respectively belonging to the Iron Company, and which Reservoirs, with the Watercourses and Conduits feeding the same, and leading the Water therefrom to the Works, were formed and are maintained by them at considerable Cost for the Purpose of preserving and supplying Water for use in the Ironworks : And whereas it is essentially necessary that the Supply of Water now derived by the Iron Company from those Reservoirs be not by any Operation of the Company interrupted or prejudiced : Therefore it shall not be lawful for the Company, without the Consent in Writing of the Iron Company, in constructing their Railways, to take, use, or enter upon any Land forming Part of the Site of those Reservoirs, or any of them, or to do or omit any Act or Thing whereby the same Reservoirs, or any of them, or the Passage of the Waters feeding the same, and flowing therefrom to the Ironworks, shall or may be destroyed, damaged, or interrupted ; and, in order that no such Damage or Interruption may ensue, the Company shall not execute any Work in the immediate Proximity to those Reservoirs, or any of them, or of those Watercourses, except according to a Plan and Specification previously approved by the Engineers of the Company and

For the Protection of their Reservoirs.

The London and North-western Railway (New Lines) Act, 1867.SCHEDULE referred to in the foregoing Act.

HEADS of an ARRANGEMENT between the London and North-western Railway Company, in these Heads called "the North-western Company," and Brecon and Merthyr Tydfil Junction Railway Company, in these Heads called "the Brecon Company."

All Opposition to the Bills of the respective Companies to be withdrawn.

The North-western Company to form a Junction with the Railway of the Brecon Company at or near Dowlais Top Station, to the Satisfaction of the Brecon Company's Engineer, such Junction to be opened not later than any Portion of the rest of the North-western Company's intended Railway, described in the London and North-western Railway New Lines Bill as the Dowlais Extension Railway.

Brecon Company to have Running Powers over the said Dowlais Extension Railway from Dowlais to the Rhymney Railway, and into Nant-y-bwch Station, on Arbitration Terms.

North-western Company to be bound not to oppose the making, by the Brecon Company, of a Junction Line pointing South from the said Dowlais Extension Railway to the Rhymney Railway.

Brecon Company to abandon and withdraw their West Fork Railway and Deviation, and the Rumney New Junction, upon the London and North-western giving Notice, within Two Years, that they intend to proceed with their Dowlais Extension Railway. Brecon Company to give the London and North-western Company Running Powers over their Dowlais Junction, the same being considered as One Mile, and also Power to use their Dowlais Station and Sidings, on Payment of such Rent or Terminal Allowance as shall be fixed by an Arbitrator in the usual Way.

The North-western Company not to construct any new Line of Railway to take away the One Mile of Toll for Dowlais Traffic, and shall not construct any new Station at Dowlais except in conjunction with the Brecon Company, but the present Station may be enlarged.

No Land to be taken by the North-western Company at Dowlais which has been included in the Brecon Company's Land Plans, and contracted to be purchased by that Company, except what is necessary for Junctions into Sidings; but Easements to be acquired only as regards Junctions.

Clauses

The London and North-western Railway (New Lines) Act, 1867.

Clauses to be inserted in the London and North-western Railway New Lines Bill, now pending, to give the mutual Running Powers referred to in these Heads.

Dated 13th March 1867.

JAMES BLENKINSOP,

On behalf of the London and North-western
Railway Company.

J. R. COBB,

On behalf of the Brecon and Merthyr Tydfil
Junction Railway Company.

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