



CHAPTER vi.

An Act to enable the Potteries, Shrewsbury, and North Wales Railway Company to extend their Railway to Trefonen, and to constitute such Extension Railway a separate Undertaking; and for other purposes. [21st May 1874.]

A.D. 1874.

WHEREAS by "The Potteries, Shrewsbury, and North Wales Railway Act, 1866," the Shrewsbury and Potteries Junction Railway Company was amalgamated with the Shrewsbury and North Wales Railway Company, and the said companies became one company under the name of "The Potteries, Shrewsbury, and North Wales Railway Company" (in this Act called "the Company"):

29 & 30 Vict.
c. cci.

And whereas the undertaking of the Company at present consists of a railway from Shrewsbury to Llanymynech, with branches to the Shrewsbury and Wellington joint line of the Great Western and London and North-western Railway Companies near Shrewsbury, to Breidden Hill in the county of Montgomery, and to Llanyblodwell and Nantmawr in the county of Salop:

And whereas it is expedient, and it would be of public and local advantage, that the Company should be authorised to extend their railway to Trefonen:

And whereas it is expedient that the said extension railway (in this Act called "the Trefonen extension") should form an undertaking separate and distinct from the Company's undertaking under Acts heretofore passed, and that the Company should be authorised to raise a separate capital for the purposes thereof:

And whereas plans and sections showing the lines and levels of the Trefonen extension by this Act authorised, and also books 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

A.D. 1874. county of Salop, and are herein-after respectively referred to as "the deposited plans, sections, and books 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 Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited for all purposes as "The Potteries, Shrewsbury, and North Wales Railway Act, 1874."

Provisions of certain general Acts incorporated. 2. Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," 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 railway" or "the undertaking" shall mean the Trefonen extension by this Act authorised; 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 for the purposes of this Act be read and have effect as if the debt or demand in respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways and other works according to deposited plans. 4. Subject to the provisions of this Act, the Company may make and maintain in the line 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 such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are—

A railway (Number 1), one mile three furlongs and seven and a half chains in length, commencing by a junction with the Nantmawr branch railway of the Company, at a point thereon near the mile post denoting twenty-one and a quarter miles from Shrewsbury, in the parish of Llanyblodwell, and termi-

nating in the parish of Oswestry, at or near a point at the end of the lane leading from the Morlydd to the farmhouse at Tycoch. A.D. 1874.

A railway (Number 2), two miles four furlongs and eight chains in length, commencing at the termination herein-before described of railway Number 1, and terminating in the parish of Oswestry, in the lane leading from the village of Trefonen to Woodfield.

5. The Company may demand and take in respect of the use of the Trefonen extension any tolls not exceeding the tolls which they are now authorised to demand and take in respect of their other railways; and the Trefonen extension and the other railways of the Company shall for the purposes of tolls be considered as one railway. Tolls.

6. The railway by this Act authorised to be constructed, and the lands and property from time to time vested in the Company for the purposes of the same, are hereby constituted a separate undertaking of the Company, distinct and apart from their other undertaking, and shall be called "The Trefonen Extension." Trefonen extension made a separate undertaking.

7. Provided always, that the directors of the Company shall have the management and superintendence of the affairs of the Trefonen extension; and they, and any committees appointed by them for the purposes of that undertaking, shall have and may exercise all such and the same powers with respect thereto as they have or might exercise with respect to their other undertaking. Management thereof.

8. The capital of the Company for the purposes of the Trefonen branch shall be fifty thousand pounds, in five thousand shares of ten pounds each, and shall be called "The Trefonen Extension Capital." Capital for separate undertaking.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation 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. Shares not to issue until one fifth part paid up.

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

11. If any money is payable to a person being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

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Separate
accounts.

12. The Company shall keep separate accounts of all receipts, credits, payments, and liabilities from, for, or on account of the Trefonen extension.

Trefonen
extension
to be worked
by the Com-
pany at 50
per centum
of gross
receipts,
subject to
deduction
of 6 per
centum per
annum divi-
dend to
shareholders.

13. The Trefonen extension shall be worked by the Company, and the Company shall in respect of such working be entitled to receive fifty per centum of the gross amount of all tolls, rates, and charges from time to time derived from or payable in respect of traffic conveyed on the Trefonen extension: Provided always, that before the Company shall be entitled to such proportion of the gross amount of tolls, rates, and charges, the shareholders in the Trefonen extension capital shall be entitled out of the said gross amount to receive by way of dividend a sum of six per centum per annum on the amount of capital held by them; and in calculating for the purpose of such dividend, such gross amount shall be held to include any sums which the Company may receive in respect of traffic arising on or destined for the Trefonen extension and passing over the other railways of the Company.

Trefonen
extension
to be
worked in
an efficient
manner.

14. After the opening of the Trefonen extension for public traffic, the Company shall work that railway and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by that railway. In case any difference shall arise between the Company and any of the holders of mortgages, debenture stock, or of shares in the Trefonen extension capital, with respect to the working or non-working or insufficient working by the Company of the Trefonen extension, or otherwise in relation thereto, whereby the holders of such shares deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party; and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any of the requirements of any such order within the time thereby prescribed, then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding fifty pounds for every day (after the first) during which such default shall continue.

Power to
borrow.

15. The Company may from time to time borrow on mortgage in respect of the Trefonen extension any sum not exceeding in the whole sixteen thousand six hundred pounds; but no part thereof shall be borrowed until the whole Trefonen capital of fifty thousand

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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 40th 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 that such persons or corporations, 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 shall be sufficient evidence thereof.

16. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application of moneys.

17. The mortgagees of the Company on the Trefonen extension 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. Arrears may be enforced by appointment of a receiver.

18. The Company may for the purposes of the Trefonen extension 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 created and issued by the Company shall rank pari passu with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

19. The mortgages and debenture stock from time to time granted or created and issued by the Company under this Act shall only comprise and affect the Trefonen extension, and the mortgages and debenture stock granted or created and issued, or to be granted or created and issued, by the Company under any Act other than this Act, shall not comprise or affect the Trefonen extension. Rights of mortgagees.

20. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railway Clauses Consolidation Act, 1845," shall not exceed four acres. Lands for extraordinary purposes.

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Powers for compulsory purchases limited.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

21. 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.

22. 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 two thousand five hundred and seventy-three pounds thirteen shillings and sixpence three per centum consolidated Bank annuities, equal in value to the sum of two thousand three hundred and seventy-one pounds, being five per centum upon the amount of the estimate in respect of the railway, has been transferred into the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock so transferred as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised 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 railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock transferred as aforesaid shall be applied in the manner hereinafter specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

23. The said stock transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may 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

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which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order, on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the consolidated fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the said stock has been repaid or re-transferred to the depositors, or has become otherwise applicable as herein-before 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 person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

24. If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

25. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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."

Interest not to be paid on calls paid up.

26. 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

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

A.D. 1874. — Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

27. Nothing in this Act contained shall exempt the Company or the railway 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.

Expenses of Act.

28. 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.