



ANNO DECIMO OCTAVO & DECIMO NONO

# VICTORIÆ REGINÆ.

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## Cap. lxxxvi.

An Act for making a Railway from *Oswestry* in the County of *Salop* to *Welchpool* and *Newtown* in the County of *Montgomery*. [26th June 1855.]

**W**HEREAS the making of a Railway from the *Oswestry* Branch of the *Great Western* Railway, at *Oswestry* in the County of *Salop* to the Towns of *Welchpool* and *Newtown* in the County of *Montgomery*, and to join the authorized Line of the *Llanidloes and Newtown* Railway at the last-named Place, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution; but the Purposes aforesaid 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses

[Local.]

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8 & 9 Vict.  
cc. 16., 18.,  
and 20. in-  
Con- corporated.

The Oswestry, Welchpool, and Newtown Railway Act, 1855.

Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title. II. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The Oswestry, Welchpool, and Newtown Railway Act, 1855."

Subscribers incorporated. III. Sir *Watkin Williams Wynn* Baronet, *William Ormsby Gore*, *David Pugh*, *John Naylor*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after described, with all proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Oswestry and Newtown Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking within the Restrictions herein and in the said Acts contained.

Capital. IV. The Share Capital of the Company shall be Two hundred and fifty thousand Pounds; and all and every Part of the Money to be raised thereby shall be applied only in carrying into execution the Objects and Purposes of this Act.

Shares. V. The Number of Shares into which the said Capital shall be divided shall be Twenty-five thousand, and the Amount of each Share shall be Ten Pounds.

Calls. VI. Two Pounds *per* Share shall be the greatest Amount of any Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the greatest aggregate Amount of Calls to be made thereon in any One Year.

Power to borrow on Mortgage. VII. It shall be lawful for the Company to borrow, on Mortgage of their Undertaking, any Sums of Money not exceeding in the whole the Sum of Eighty-three thousand Pounds; but no Part of that Sum shall be borrowed until the whole Capital of Two hundred and fifty thousand Pounds shall have been subscribed, and One Half thereof paid up; and all and every Part of the Money so to be borrowed shall be applied in carrying the Purposes of this Act into execution.

VIII. The

The Oswestry, Welchpool, and Newtown Railway Act, 1855.

VIII. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholders on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not  
to be paid on  
Calls paid up.

IX. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being 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 execute any other Work or Undertaking.

Deposits on  
future Bills  
not to be paid  
out of Capital.

X. The Number of Directors appointed by the Company shall be Twelve, and the Qualification of the Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Number and  
Qualification  
of Directors.

XI. It shall be lawful for the Company from Time to Time to reduce the Number of Directors appointed by them, provided that the Number of those Directors when reduced be not less than Six.

Power to  
vary the  
Number of  
Directors.

XII. Sir *Watkin Williams Wynn* Baronet, *William Ormsby Gore*, *Herbert Watkin Williams Wynn*, *David Pugh*, *John Naylor*, *Rowland Jones Venables*, *John Carnac Morris*, *John Davies Corrie*, *Richard Herbert Mytton*, *Arthur James Johnes*, *William Lloyd*, and *John Powell Wilding* shall be the First Directors of the Company.

First Direc-  
tors.

XIII. The Quorum of a Meeting of Directors shall be Three.

Quorum of  
Directors.

XIV. The Directors appointed by this Act, or such of them as shall not die or resign or become disqualified or be removed, shall continue in Office until the First Ordinary General Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Election of  
Directors at  
First General  
Meeting.

XV. At

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Subsequent  
Election of  
Directors.

XV. At the First Ordinary General Meeting to be held in every subsequent Year after the First General Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Power to the  
Owner for  
the Time  
being of  
Powis Castle  
to appoint a  
Director.

XVI. The Owner for the Time being of *Powis Castle* in the County of *Montgomery* may from Time to Time, by Writing under his Hand, or under the Hand of his Guardian if such Owner be a Minor, appoint One Person being qualified by the Possession of the aforesaid Number of Shares to act as a Director, in addition to the Directors appointed by the Company, and may from Time to Time in like Manner remove from Office any Director so appointed, and appoint another Person to act as a Director in his Stead, or in the Stead of any Director previously appointed by such Owner who may have died or resigned his Office, and any Person so appointed shall continue to be a Director until he shall be removed in manner aforesaid, or shall die or resign his Office: Provided always, that when and so often as the Power of appointing a Director in pursuance of this present Enactment is vested in One Person only (being a Male), it shall be lawful for such Person, if duly qualified as aforesaid, to appoint himself, and when and so often as such Power is for the Time being vested in Two or more Persons it shall be lawful for them to appoint one of themselves (being a Male, and duly qualified as aforesaid) as such Director; provided also, that if at any Time there shall not be any Person appointed or capable of acting as a Director in pursuance of this present Enactment, the Powers of the other Directors shall be in nowise affected thereby.

Qualification  
of Auditors.

XVII. Every Auditor appointed under this Act shall have at the least the same Number of Shares as are herein-before required to qualify for a Director.

Periods for  
Balance and  
Inspection of  
Books.

XVIII. The Periods to which the Books of the Company shall be brought to balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year.

Power to  
make Rail-  
way.

XIX. It shall be lawful for the Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with the *Oswestry* Branch of the *Great Western* Railway at *Oswestry* in the County of *Salop*, and terminating by a Junction with the authorized Line of the *Llanidloes* and

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and Newtown Railway, at or near Newtown in the County of Montgomery.

XX. Whereas Plans and Sections of the Railway showing the Line and Levels thereof, 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 which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the Counties of *Montgomery* and *Salop*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject to the aforesaid Provisions, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Railway to be made according to deposited Plans.

XXI. Subject to the Provisions in this Act and in "The Railway Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company, in the Construction of the Railway, to carry the same across and on the Level of the several public Roads numbered on the Plan deposited as aforesaid as follows; (that is to say,)

Roads to be crossed on a Level.

Number on Plan.	Parish.	Description of Road.
106	Newtown - - -	Public Highway.
31	Montgomery - - -	Ditto ditto.
35	Forden - - -	Ditto ditto.
83	Ditto - - -	Ditto ditto.
48	Welchpool - - -	Turnpike Road.
65	Ditto - - -	Public Highway.
5	Bultington - - -	Turnpike Road.
60	Guilfield - - -	Ditto ditto.
62	Ditto - - -	Public Highway.
81	Ditto - - -	Ditto ditto.
4	Oswestry - - -	Ditto ditto.

XXII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at

Stations or Lodges to be erected at Points of Crossing.

[Local.]

all

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all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges in lieu of level Crossings.

XXIII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board to be best adapted for removing or diminishing the Danger arising from such level Crossing; but where any such Road shall be so carried under or over the Railway, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Lands for extraordinary Purposes.

XXIV. The Company may purchase by Agreement and may hold Lands for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," but the Quantity of Land so to be purchased shall not exceed Twenty-five Acres.

Powers for compulsory Purchase of Lands limited.

XXV. 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.

Period for Completion of Railway.

XXVI. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as then shall have been completed.

Plans, Sections, &c. of Crossings of River Severn to be deposited at Admiralty before commencement of Works at

XXVII. Previously to commencing any Crossing over the River *Severn* where the same is navigable, or any of the Works respectively connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Crossing and the Works respectively connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral

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Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and every such Crossing and Works shall be constructed only in accordance with such Approval.

such Crossings.

XXVIII. It shall not be lawful for the Company to construct any Work hereby or otherwise authorized to be made in, over, under, or across any navigable Water, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland* or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

No Works to be commenced across any River or navigable Water without the Consent of the Admiralty.

XXIX. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any navigable Water, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Admiralty may order a local Survey at Expense of Company.

XXX. If any Work to be constructed by the Company in, under, over, through, or across any navigable Water, or if any Portion of any Work which affects or may affect any such Water or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the

If Works across any navigable Water fall into Disuse or Decay, Admiralty

the

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may remove  
or restore  
the same.

the Office of Lord High Admiral to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

As to Com-  
munications  
with the  
Great West-  
ern Railway.

XXXI. The Communications of the Railway with the *Oswestry* Branch of the *Great Western* Railway shall be made at the Points shown in that Behalf on the Plans deposited for the Purposes of this Act, or within the Limits of Deviation shown thereon, and not at any other Point, without the Consent of the *Great Western* Railway Company under their Common Seal; and all such Communications shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points of the Construction and laid at the Place and in the Manner from Time to Time most approved by and to the entire Satisfaction of the Engineer of the *Great Western* Railway Company.

Cost and Ap-  
proval of  
Communi-  
cations with  
Great West-  
ern Railway.

XXXII. The Expense of the Communications with the *Oswestry* Branch of the *Great Western* Railway, and of all necessary Openings in the Rails thereof, and of all other Works from Time to Time requisite for altering, amending, repairing, and maintaining such Communications, Rails, and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and all such Communications, Openings, and other Works shall be made and done, and from Time to Time be altered, amended, repaired and maintained, at the Cost of the Company, to the entire Satisfaction of the Engineer of the *Great Western* Railway Company, and in every Case in such Manner and by such Means as shall not in anywise prejudice the said *Oswestry* Branch of the *Great Western* Railway, or impede or interfere with the free, uninterrupted, and safe Passage along that Railway.

Consent of  
Great West-  
ern Railway  
to take their  
Land.

XXXIII. Provided always, That the Company shall not, without the Consent of the *Great Western* Railway Company under their Common Seal, either permanently or temporarily enter upon, take, or use any of the Land or Property of that Company, or which they have Power to take or use, or in any Manner alter or use, or in any Manner alter or interfere with the *Oswestry* Branch of the *Great Western* Railway or any of the Works appertaining thereto, save only such as may be necessary for the Purpose of effecting the Junctions therewith by this Act authorized.

Saving  
Rights of the  
Great West-

XXXIV. Provided always, That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, diminish,



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diminish, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Great Western Railway Company*.

ern Railway Company.

XXXV. Whereas in consequence of the Construction of the Railway it may be necessary to alter or interfere with a certain Bridge called *Millbrook Bridge*, recently erected by the Justices of the Peace for the County of *Montgomery*, and it is expedient to provide as herein-after mentioned with respect to the future Repair and Maintenance of the said Bridge by the Company in the event of the Railway being made so as to interfere with the same: Therefore, if the Railway shall be made within the Distance of Thirty Yards of any Portion of the said Bridge, then and in such Case the Company shall and they are hereby required to complete and metal in a substantial Manner the Approaches to the said Bridge for a Distance of One hundred Yards on either Side thereof, and shall for ever thereafter maintain the said Bridge and Approaches in good Repair and Condition.

Provision with respect to Millbrook Bridge.

XXXVI. And whereas the Railway is intended to be carried over the said Canal of the *Shropshire Union Railways and Canal Company* in the Parish of *Llanymynech*, and it is expedient to provide against Injury or Obstruction being occasioned by means of the Railway to the Canal or the free Navigation thereof: Therefore, except as is by this Act expressly provided, this Act or anything therein shall not authorize any Alteration of the Line or Level of the Canal, or Towing-path, Works, or Conveniences connected therewith, or any Obstruction of the Navigation of the Canal, or any diverting or impeding of any of the Waters therein or which may supply the Canal, or any Deviation from the Course or Direction of the Railway as delineated on the deposited Plan, by which Deviation any of the Locks, Side Ponds, Towing-paths, Bridges, Banks, Feeders, or other Works of the Canal would be taken, damaged, or interfered with, without the previous Consent of the *Shropshire Union Railways and Canal Company* in Writing, signed by the Secretary or Two of the Directors thereof.

Protection of the Canal.

XXXVII. The Company shall, in carrying the Railway over the Canal to the Satisfaction of the *Shropshire Union Railways and Canal Company's* Engineer, make, and shall at all Times thereafter maintain and keep in perfect Repair, a good and substantial Bridge over the Canal and the Towing-path thereto, with proper Approaches to the Bridge, and the Soffit of the Bridge shall, at the Centre of the Waterway, be at least Eight Feet above the Top-water Level of the Canal, and no Part of the Arch over the said Canal and Towing-path shall be less than Eight Feet above the Top-water Level, and the Bridge shall be of such Width and Curve as shall leave a clear, uniform, and un-

As to Bridge over Canal.

[Local.]

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terrupted

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interrupted Opening throughout of that Height, and the Company shall at all Times during the making of the Bridge, and of all Repairs or Renewals thereof, leave an open and uninterrupted navigable Water-way in the Canal of not less than Twenty Feet in Width and Ten Feet in Height in every Part, and shall, before putting in the Foundation Walls of the Abutments of the Bridge, provide for such Water-way, and also a sufficient and convenient Towing-path along the same, to the Satisfaction of the *Shropshire Union* Railways and Canal Company's Engineer: Provided always, that the Time employed in making the said Bridge and all the Works thereof which may affect the Towing-path and Navigation shall not exceed Twenty-eight Days: Provided also, that the present Towing-path shall not be disturbed until a new and permanent Towing-path be provided as aforesaid with proper Wall, the Ground made good and properly gravelled, and open for the free Passage of Horses under the Bridge, to the Satisfaction of such Engineer: Provided also, that all Repairs or Renewals of the Bridge shall be made without any unnecessary Delay during the Progress thereof: Provided also, that before the Commencement of any such Repairs or Renewal Notice thereof in Writing, stating the Nature thereof and the Time of commencing the same, shall be given by the Company to the *Shropshire Union* Railways and Canal Company, and that such Notice shall be given not less than Fourteen Days before such Commencement, unless the public Security, or the Safety of the Railway or of the Canal or the Works thereof respectively, require such Repairs or Renewal to be made without Delay.

In case of  
Obstruction  
to the Canal.

XXXVIII. Except in Cases of inevitable Accident, if in the Execution of the Works by this Act authorized, or by reason of the Want of Repair of any such Works, or of the said Bridge over the Canal, or of any of the Slopes, Banks, or Walls of the Railway near the Canal, the Canal or its Towing-path be obstructed, and Boats or other Vessels navigating or using the Canal be stopped or impeded in their Passage along the same, or the Towing or Haulage be interfered with, or if the navigable Water-way and Towing-path by this Act required to be preserved be at any Time contracted to a less Width than is by this Act prescribed, or the Towing-path be disturbed contrary to the Provisions of this Act, then and in any such Case the Company shall pay to the *Shropshire Union* Railways and Canal Company Fifty Pounds for every Day during which any such Occurrence continues: Provided also, that if such Obstruction continue beyond Seventy consecutive Hours, or be occasioned by any wilful Act of any Person employed by or acting under the Company, the Company shall pay to the *Shropshire Union* Railways and Canal Company an additional Sum of Thirty Pounds for every Day after such

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such Seventy Hours during which the Obstruction continues: Provided also, that every such Sum, if not paid on Demand, may be recovered by the *Shropshire Union* Railways and Canal Company in any Court of competent Jurisdiction.

XXXIX. If the Bridge over the said Canal, or the Towing-path Walls under the said Bridge, or the several Approaches, Side Slopes, or Banks of the Railway next to the Canal, or any of them, or any Part thereof, shall be constructed otherwise than is authorized by this Act, or be not at all Times kept in good Repair, the *Shropshire Union* Railways and Canal Company from Time to Time may remove or alter the same, and do all requisite and proper Repairs, and may recover the Amount of their Expenses in that Behalf from the Company in any Court of competent Jurisdiction.

Repair of  
Bridge, &c.

XL. Provided always, That nothing in this Act shall prevent the *Shropshire Union* Railways and Canal Company from recovering against the Company any special Damage sustained by them on account of any Acts or Defaults of the Company in respect of which any Penalty is by this Act imposed beyond the Amount of such Penalty, but they may sue for and recover such special Damages accordingly: Provided also, that in every Case where any Penalty imposed by this Act is paid by the Company, and they are sued for special Damage in respect of the Matter for which the Penalty was paid, the Penalty shall be deemed a Payment on account of such special Damage, and the Amount so paid shall be deducted from the Amount of Damages recovered for the same Matter, and if the Amount of Damages so recovered shall not exceed the Sum so paid then Judgment shall be given for the Company: Provided also, that no Proceeding shall be maintainable by the *Shropshire Union* Railways and Canal Company against the Company for the Recovery of any Penalty after Judgment obtained by them for any special Damage in respect of the Matter in respect of which such Penalty would have been recoverable.

Nothing in  
this Act to  
prevent  
*Shropshire  
Union Rail-  
ways and  
Canal Com-  
pany* from  
recovering  
for any spe-  
cial Damage.

XLI. Nothing in this Act shall authorize the Company, either permanently or temporarily, to enter upon, take, or use any of the Land, Canal, Works, or Property of the *Shropshire Union* Railways and Canal Company, or in any Manner to alter or interfere with the Canal or the Works connected therewith, except for the Purpose of making, repairing, or renewing the Bridge as by this Act provided and the Works connected therewith, or, except as aforesaid, shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities of the *Shropshire Union* Railways and Canal Company, but all their Rights, Privileges, Powers, and Authorities under

Saving  
Rights of the  
*Shropshire  
Union Rail-  
ways and  
Canal Com-  
pany*.

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under the several Acts of Parliament relating thereto or otherwise are by this Act and subject to the Provisions thereof expressly saved and reserved.

As to the crossing of certain Tramways to the Canal.

XLII. Whereas, according to the deposited Plans and Sections, the Railway is intended to cross certain Tramways in the Parish of *Llanymynech*, which connect the Canal of the *Shropshire Union* Railways and Canal Company with certain Collieries and Limeworks adjacent thereto, and are used for the Transmission of Minerals from the said Collieries and Limeworks to the Canal, and it is expedient to provide against any Interruption to the Transmission of such Traffic: Therefore the Railway, in crossing any of those Tramways, shall not cross the same on the Level, but either shall be carried over the same by means of a Bridge or Arch of such Height and Span as to allow of the uninterrupted Passage on the Tramways respectively of Carriages or Trucks as heretofore used, or shall be carried under the same so as not to interfere with the existing Level or Gradient of those Tramways respectively, and during or for the Purposes of the making of the Railway the Company shall not alter the present Gradient of those Tramways respectively, or otherwise impede the Use thereof, or the Passage of such Carriages or Trucks thereon.

Company not to oppose Application for Act to make Railway from Shrewsbury to Welchpool.

XLIII. And whereas the future making of a direct Communication by Railway between *Shrewsbury* and *Welchpool* may be advantageous to the public and local Interests: Therefore, if at any Time within Seven Years after the passing of this Act Application be made to Parliament to authorize the making of a Railway from *Shrewsbury* to form a Junction with the Railway at or at any Point Northward of *Welchpool*, the Company, unless at the same Time promoting before Parliament a competing Line, shall not, without the previous Consent of the Board of Trade, directly or indirectly make or sanction any Opposition to the Application for that Purpose, but shall consent to the Enactment of such Provisions as may be proper and sufficient for authorizing the making of such Railway, and the making, under the Superintendence and to the Satisfaction of their Engineer, of such Junction thereof with the Railway, and for the Transmission over such Railway of Traffic to and from such Junction, according to the Provisions in that Behalf of "The Railway and Canal Traffic Act, 1854:" Provided always, that the Company shall not be restrained by this Act from opposing any such Application so far as it relates to any other Purposes.

Repayment of Deposit.

XLIV. 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 Eighteen thousand seven hundred

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dred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway, has been deposited with the Court of Chancery in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Eighteen thousand seven hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid 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 Lords of the Committee 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 said 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 Lords of the said Committee, the said Sum of Money deposited as aforesaid shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid by the Officer or Person in whose Name they shall then be deposited to the Account of Her Majesty's Exchequer, and when so paid 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 of Eighteen thousand seven hundred and fifty Pounds 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 or Successors, of the said Sum of Eighteen thousand seven hundred and fifty Pounds if the said Company shall not, within the Time limited for the Completion of the Railway, either open the Railway 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 said 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 shall be paid

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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 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.

Tolls for Merchandise, Passengers, and Cattle.  
For Merchandise, &c.

XLV. It shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; that is to say,

I. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Coals, Stones for building, pitching, and paving, Dung, Compost, and all Sorts of Manure, Lime and Limestone, Clay, Sand, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Coke, Culm, Charcoal, and Cinders, all Bricks, Tiles, Slates, Ironstone and Iron Ore, Copper Ore, Tin Ore, Manganese, and all other Ores and Minerals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Copper, Tin, Lead, and other Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

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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 or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence; and a further Sum of Twopence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

II. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows: For Passengers or Cattle.

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden *per Mile* not exceeding Threepence; and for every Ox, Cow, Bull, or Neat Cattle, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Calf or Pig, *per Mile* not exceeding One Penny; and for every Sheep, Lamb, or other small Animal, *per Mile* not exceeding Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing.

XLVI. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

XLVII. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise 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 Toll according to the Number of Quarters of a Ton in such Fraction; and if there

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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 usual Avoirdupois Weight :  
With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, 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.

Maximum  
Rates of  
Charges for  
Passengers:

XLVIII. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

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 *per* Mile.

for Cattle,  
Goods, &c.

XLIX. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company), shall not exceed the following Sums :

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Fourpence *per* Mile :

For every Ox, Cow, Bull, or Cattle, the Sum of Twopence *per* Head *per* Mile :

For every Calf or Pig, One Penny *per* Mile :

For Sheep and small Animals, Three Farthings each *per* Mile :

For every Carriage, the Sum of Sixpence *per* Mile :

For Coals, and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per* Ton *per* Mile :

For Coke, Ores, Minerals, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile :

For Sugar, and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile :

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per* Ton *per* Mile.



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L. The Restrictions as to Tolls and Charges to be made for Passengers and Articles herein-before mentioned shall not extend to any special or extra Train that may be required to be run on the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Restriction as to Charges not to apply to Special Trains.

LI. With respect to small Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the following; (that is to say),

Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels on the Railway, or on any Part thereof, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Sixpence :

For any Parcel exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, One Shilling and Sixpence :

And for any Parcel exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, Two Shillings :

And for Parcels exceeding Fifty-six Pounds in Weight, 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 such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, Bob, 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 not exceed Eight Tons, the Company may demand such Sum as they think fit.

LII. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except

Company may take increased Charges by Agreement.

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small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Passengers'  
Luggage.

LIII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for each First-class Passenger, Eighty Pounds in Weight for each Second-class Passenger, and Sixty Pounds in Weight for each Third-class Passenger, without any Charge being made for the Carriage thereof.

Railway not  
exempt from  
Provisions of  
present and  
future Ge-  
neral Acts.

LIV. Nothing in this Act contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or 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 the present 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 and of the Rate for small Parcels authorized by this Act.

Expenses of  
Act.

LV. The Expenses, Costs, and Charges of obtaining and passing this Act, and incidental and preparatory thereto, shall be paid by the Company.

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