



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xvii.

An Act to enable the *Oswestry and Newtown Railway Company* to construct additional Lines of Railway to *Llanfyllin* and *Kerry* in the County of *Montgomery*; and for other Purposes.

[17th May 1861.]

WHEREAS the *Oswestry and Newtown Railway Company* (in this Act called the "Company") were incorporated by the *Oswestry, Welchpool, and Newtown Railway Act, 1855,* with Power to make a Railway from *Oswestry* in the County of *Salop* to *Newtown* in the County of *Montgomery*: And whereas it is expedient to revive and extend for further Periods some of the Powers by the said Act given and limited for the compulsory Purchase of Land: And whereas it is expedient that the Company should be authorized to construct Railways in extension of their Railway to *Llanymynech* Lime Rocks in the County of *Salop*, and to the Town of *Llanfyllin* and Village of *Kerry* in the County of *Montgomery*: And whereas the Objects 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

18 & 19 Viet.
c. lxxxvi.

[Local.]

present

Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for any Purpose as the "*Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.*"

2. The "Lands Clauses Consolidation Act, 1845," the "Lands Clauses Acts Amendment Act, 1860," and the "Railways Clauses Consolidation Act, 1845," so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

3. Except as may by this Act be otherwise provided, the several Words and Expressions to which in the said incorporated Acts Meanings are assigned shall have in this Act the same respective Meanings, unless such Meanings shall be excluded by the Subject or Context.

4. The Powers granted by the recited Act for the compulsory Purchase and taking of such of the Lands by that Act authorized to be taken as are specified in the Schedule to this Act annexed are, subject to the Conditions in the recited Act contained, revived and may be exercised within but not after the Expiration of Twelve Months from the passing of this Act; and with respect to the new Lines of Railway by this Act authorized, the Powers for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

5. The Justices, Arbitrators, Umpires, or Juries respectively (as the Case may be) who shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands or Houses for the Purchase of which the Period is by this Act extended, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension of the Time hereby authorized as aforesaid.

6. It shall be lawful for the Company to make and maintain the following Railways, with all proper Stations, Works, and Conveniences connected therewith respectively. (that is to say,)

A Railway commencing by a Junction with the *Oswestry and Newtown Railway* in the Parish of *Llanymynech* in the County of *Salop*, and terminating at or near the Town of *Llanfyllin* in the County of *Montgomery*:

A Railway

Short Title.

8 & 9 Vict. cc. 18. & 20. incorporated.

Same Meanings to Words in incorporated Acts as in this Act.

Powers for compulsory Purchases limited.

Parties aggrieved by Extension of Time may have Compensation for additional Damage.

Railways and Works authorized.

Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.
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Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

A Railway commencing by a Junction with the last-named intended Railway in the Township of *Llwyntidman* in the said Parish of *Llanymynech*, and terminating in the same Township and Parish near the said *Llanymynech* Lime Rocks:

A Railway commencing by a Junction with the intended Railway firstly herein-before described in a Field called the *Wharf Field* in the said Parish of *Llanymynech*, and also terminating near the said Lime Rocks, in the Township of *Carreghofa* in the same Parish:

A Railway commencing by a Junction with the *Oswestry and Newtown* Railway at or near the *Abermule* Station of that Railway in the Parish of *Llanmerewig* and County of *Montgomery*, and terminating at or near the Village of *Kerry* in the said County of *Montgomery*.

7. The Railways by this Act authorized shall, for the Purposes of Tolls and in all other respects, form Part of the Undertaking of the Company.

Railways to form Part of the Undertaking as to Tolls and Charges.

8. Whereas Plans and Sections of the Railways, showing the Lines 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 Railways shall be made in the Lines 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 the Railways and the Works connected therewith.

Railways to be made according to deposited Plans.

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

Land for extraordinary Purposes.

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10. The Railways shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company shall cease, except as to so much of the Railways as shall then be completed: Provided always, that if the Railways shall not be completed and opened for public Traffic within the said Period of Three Years, the Payment of Dividend on the ordinary Capital of the Company shall, after the Expiration of that Period, be suspended until the Railways are so completed and opened.

Period for Completion of Railways.

11. Subject

Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

Certain Road to be crossed on the Level.

11. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company, in the Construction of the Railway firstly herein-before described, to carry the same, subject to the Provisions herein-after mentioned, with Two Lines of Railway, across and on the Level of the public Road numbered 40 on the deposited Plans in the Parish of *Llansaintffraid* in the County of *Montgomery*: Provided always, that it shall not be lawful for the Company, in shunting Trains, to pass any Trains over such level Crossing, or to allow Trains to stand across the same; and provided further, that until the said Railway shall be made a double Line the said Road shall not be crossed with more than a single Line of Railway.

Company to erect a Station or Lodge at Point of Crossing, and to abide by Rules, &c. of the Board of Trade.

12. The Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the before-mentioned Road on the Level; and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, and with regard to the Speed at which Trains shall pass such Point, and for preventing as far as may be Obstruction upon such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Lodge 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, 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 a Bridge to be erected instead of level Crossing.

13. 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, either before or after the said Railway shall have been completed or opened for Public Traffic, to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

For Protection of the Shropshire Union Canal.

14. And whereas the Railway firstly herein-before described is intended to be carried over the Canal and Towing-path of the *Shropshire Union Railways and Canal Company* (herein-after called "the Canal Company") in the Parish of *Llanymynech*, and across One of the Feeders of the said Canal which supplies the said Canal with Water from the River *Tanat* in the said Parish of *Llanymynech*; and it is expedient to provide against

Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

against Injury or Obstruction being occasioned by means of the Railway to the said Canal and Feeder or the free Navigation of the said Canal: 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, Towing-path, or Feeder, Works or Conveniences connected therewith, or any Obstruction of the Navigation of the said Canal, or any diverting or impeding of any of the Waters therein or which may supply the said Canal, or any Deviation from the Course or Direction or Level of the said Railway as delineated on the deposited Plan, by which Deviation the said Feeder, or any of the Locks, Side Ponds, Towing-paths, Bridges, Banks, or other Feeders or Works of the Canal, would be taken, damaged, or interfered with, without the previous Consent of the Canal Company in Writing under their Common Seal.

15. The Company shall, in carrying the said Railway over the Canal, make, to the Satisfaction of the Canal Company's Engineer, 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 no Part of the Arch or Opening of the Bridge 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 an open and uninterrupted navigable Waterway in the Canal of not less than Twenty Feet in Width, and a Towing-path of not less than Five Feet in Width; and the Company shall, before putting in the Foundation Walls of the Abutments of such Bridge, provide for such Waterway, and also a sufficient and convenient Towing-path along the same, to the Satisfaction of the Canal Company's Engineer: Provided always, that the Time employed in making each of the said Bridges and all the Works thereof which may affect the Towing-path and Navigation shall not exceed Twenty-eight Days, and that during the Construction of the said Bridge and during any necessary Repairs thereof there shall at all Times be left a free, open, uninterrupted navigable Waterway in the said Canal of not less than Ten Feet in Width, and a Towing-path of not less than Five Feet in Width, and a Space above the Canal and Towing-path of not less than Eight Feet in Height in the clear.

As to Bridge
over Canal.

16. 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 Waterway and Towing-path by this Act required to be preserved be at any Time contracted to a less Width than is

In case of
Obstruction
to the Canal.

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*Oswestry and Newtown Railway (Llanfyllin and Kerry
Branches) Act, 1861.*

by this Act prescribed, or the said Feeder be disturbed or injured, or the Supply of Water into the Canal by such Feeder be injuriously affected or be diminished, then and in any such Case the Company shall pay to the Canal Company Fifty Pounds for every Day during which any such Injury or Obstruction continues: Provided that every such Sum, if not paid on Demand, may be recovered by the Canal Company in any Court of competent Jurisdiction.

Repair of
Bridges, &c.

17. 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 the Works across the Feeder, 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 Canal Company may from Time to Time 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.

Saving
Rights of
the Shrop-
shire Union
Railways
and Canal
Company.

18. 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 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 said Bridge and Works; or, except as aforesaid, shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities of the Canal Company; but all their Rights, Privileges, Powers, and Authorities 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.

19. Whereas, according to the deposited Plans and Sections, the Railway firstly herein-before described is intended to cross certain Tramways in the Parish of *Llanymynech*, which connect the Canal of the Canal Company with certain Lime Rocks adjacent thereto, and are used for the Transmission of Limestone from the said Lime Rocks to the Canal; and it is expedient to provide against any Interruption to the Transmission of such Traffic: Therefore, in crossing any of the said Tramways, the said Railway shall be so constructed as not to cut off the convenient Access from the said Lime Rocks to the Canal.

Certain Pro-
visions of
8 & 9 Vict.
c. 16. incor-
porated.

20. The following Provisions of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; (that is to say,)

With respect to the Transfer and Transmission of Shares;

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With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls ;
 With respect to the Forfeiture of Shares for the Nonpayment of Calls ;
 With respect to the Consolidation of Shares into Stock ; and
 With respect to the borrowing of Money by the Company on Mortgage or Bond.

21. It shall be lawful for the Company, at any Time and from Time to Time, to apply to any of the Purposes authorized by this Act any Portion of their existing Capital not required to be appropriated to any other specific Purposes, and also, at any Time and from Time to Time, to raise by creating new Shares or Stock, in addition to any other Sums which they now are or may by any other Act passed in the present Session be authorized to raise, such Sums of Money as they shall deem expedient, not exceeding in the whole the Sum of Ninety thousand Pounds; provided that all and every Part of the Money so to be raised shall be applied to the Purposes of this Act and to no other Purpose.

Power to raise additional Capital by Creation of new Shares.

22. Provided also, That One Fifth of the total Amount of any Share created under the Authority of this Act shall be the greatest Amount of any One Call which the Directors may make in respect of such Share ; and Two Months at least shall be the Interval between successive Calls in respect of such Share ; and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Four Fifths of the total Amount thereof.

Calls

23. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Special Meeting of the Company convened for the Purpose, from Time to Time may create, for the Purpose of raising such Sums as aforesaid, such new Shares, either ordinary or preferential, and either of One Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest not exceeding Five Pounds *per Centum per Annum*, as the Company may from Time to Time think fit: Provided always, that all the Shares of the same Class shall be of like Amount, and all the Shares of the same Class shall confer like Privileges and bear the like Dividend or Interest.

As to new Shares created under this Act.

24. The Directors of the Company may from Time to Time issue such new Shares to such Persons and for such Considerations as they may think most advantageous to the Company: Provided always, that the Amount payable in respect of any such Share shall never be less than the nominal Value thereof.

How new Shares to be issued.

25. Any

24° VICTORIÆ, Cap. xvii.

Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

25. Any Shares created and issued by the Company, under the Authority of this Act, shall be entitled to the preferential Dividend (if any) assigned to them out of the Profits of each Year in preference to the ordinary Shares or Stock of the Company; but if in any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

26. The Terms and Conditions to which any Preference Share created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

27. Provided always, That any Preference which may be assigned to any Shares created under the Authority of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any Shares or Stock of the Company created or issued before the passing of this Act, or confirmed by any Act, or otherwise lawfully subsisting.

28. It shall be lawful for the Company from Time to Time to borrow on Mortgage any Sum or Sums not exceeding Thirty thousand Pounds in the whole, in addition to the Sums by the Acts relating to the Company authorized to be borrowed: Provided always, that until the whole of the said Sum of Ninety thousand Pounds by this Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been actually paid up, and the Company shall 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 the said Sum of Ninety thousand Pounds has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company shall not borrow any Money under the Authority of this Act: Provided also, that all and every Part of the Money borrowed under the Authority of this Act shall be applied to the Purposes of this Act, and to no other Purpose.

29. All Mortgages granted by the Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall during their Continuance, and until they shall be paid off or renewed, have Priority over all Mortgages granted under the Authority of this Act.

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Oswestry and Newtown Railway (Llanfyllin and Kerry Branches) Act, 1861.

30. The Company shall not, out of any Money by any 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 to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: 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 may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Interest on Calls not to be paid out of Capital.

31. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised, 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 to execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Capital.

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

Undertaking not exempt from Provisions of present and future General Acts.

33. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

Expenses of Act.

*Oswestry and Newtown Railway (Llanfyllin and Kerry
Branches) Act, 1861.*

The SCHEDULE referred to in the foregoing Act.

Lands in respect of which the Powers for compulsory Purchase are
extended.

Number on Plans referred to in "The Oswestry, Welchpool, and Newtown Railway Act, 1855."	Parish.
302, 304, 305, 306, 307, 307 A, 308, 309, 310, 311, 311 A, 312, 313, 314, 315, 316, 318 - -	Oswestry.
6, 13, 14, 15, 16, 17, 18, 19, 20, 23, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 - - -	Welchpool.
105 - - - - -	Forden.
19 - - - - -	Montgomery.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.