CHAPTER xxxi.

An Act to authorise the Mold and Denbigh Junction Railway Company to improve its undertaking to raise further money and for other purposes. A.D. 1914.

[8th July 1914.]

WHEREAS the Mold and Denbigh Junction Railway Company (hereinafter called "the Company") were incorporated by the Mold and Denbigh Junction Railway Act 1861 (hereinafter referred to as "the Act of 1861") and were empowered by that Act to construct the railway and works in the counties of Denbigh and Flint therein described and to raise one hundred and twenty-five thousand pounds in shares and to borrow on mortgage forty-one thousand pounds:

And whereas by the Mold and Denbigh Junction Railway (Capital and Deviations &c.) Act 1865 (hereinafter called "the Act of 1865") the Company were empowered to make deviations and alterations of the railway authorised by the Act of 1861 and to raise one hundred thousand pounds of additional capital and to divide the shares in their capital into deferred and preferred half shares and to borrow on mortgage thirty-three thousand pounds:

And whereas by the Mold and Denbigh Junction Railway (Extensions) Act 1865 (hereinafter called "the Extensions Act 1865") the Company were authorised to make certain new lines of railway and to abandon a portion of the railway authorised by the Act of 1861 rendered unnecessary in consequence of the construction of the new lines of railway to raise one hundred thousand pounds further capital in ordinary shares and to borrow on mortgage thirty-three thousand pounds:

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And whereas by the Mold and Denbigh Junction Railway (Branches Alterations &c.) Act 1866 (hereinafter called "the Act of 1866") the Company were empowered to make branch railways and a deviation railway in substitution for Railway No. 1 authorised by the Extensions Act 1865 and otherwise to alter their authorised railway to raise one hundred and thirty-four thousand pounds additional capital by new ordinary shares to borrow forty-four thousand six hundred pounds on mortgage and to convert the preference shares created and issued under the authority of the Act of 1865 into ordinary shares:

And whereas by the Mold and Denbigh Junction Railway Act 1867 (hereinafter called "the Act of 1867") the Company obtained power to run over and use portions of the railways of certain other railway companies to revive and extend the powers for taking lands and to extend the period limited by the Act of 1861 for completion of the authorised railway and works and to divide the unissued shares in the capital of the Company into half shares and to create and issue debenture stock:

And whereas to enable the Company to meet their liabilities and to raise the necessary funds for the completion of the main line of railway a scheme of arrangement under the Railway Companies Act 1867 was confirmed by an order by the Vice-Chancellor Sir Richard Malins on the twelfth day of June one thousand eight hundred and sixty-eight and enrolled in the High Court of Chancery on the seventeenth day of July one thousand eight hundred and sixty-eight under which the Company created debenture stock A to the amount of forty thousand pounds converted their mortgage debt into one hundred and seven thousand pounds debenture stock B and added thereto an additional sum of thirty thousand pounds for payment of existing debts and liabilities and created seventy thousand pounds debenture stock C for the payment of other debts and liabilities the said debenture stocks A B and C being respectively created by the said scheme of arrangement first second and third charges on the Company's undertaking:

And whereas the total amount of share capital of the Company consists of three hundred and twenty-five thousand pounds and the amount of loan capital two hundred and forty-seven thousand pounds the whole of which has been raised and expended on the undertaking:

And whereas the undertaking of the Company now consists of a double line of railway of about fifteen miles in length which by a junction with the Vale of Clwyd Railway of the London and North Western Railway Company connects the towns of Mold and Denbigh and the said undertaking is now worked and managed in perpetuity by the London and North Western Railway Company under the provisions of articles of agreement dated the twelfth day of November one thousand eight hundred and sixty-eight and made between the London and North Western Railway Company of the one part and the Company of the other part and subsequently scheduled to and confirmed by the London and North Western Railway (New Works and Additional Powers) Act 1869:

And whereas it is expedient and it would be of public and local advantage that the Company should be authorised to construct the railway described in this Act and that the provisions of the aforesaid articles of agreement should extend and apply to the railway and works by this Act authorised:

And whereas it is expedient that the Company be authorised to raise the money required for the purposes of this Act by the creation of debenture stock in manner provided by this Act:

And whereas the holders of upwards of three fourths in value of the existing debenture stock B have signified their consent in writing to the creation of an additional amount of debenture stock A by this Act authorised:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the line and levels of the railway and works authorised by this Act and the lands in or through which the same may be made or which may be taken for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were deposited with the clerk of the peace for the county of Denbigh and with the clerk of the peace for the county of Flint and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Mold and Denbigh Junction Railway Act 1914.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Construction of works and acquisition of land.

Part III.—Capital.

Part IV.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and part of an Act are (except where the same are inconsistent with or expressly varied by this Act) incorporated with and form part of this Act (namely):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845 and Part I. (Construction of a railway) of the Railways Clauses Act 1863;

The Companies Clauses Consolidation Act 1845 and Part III. of the Companies Clauses Act 1863 (relating to debenture stock).

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

The expression "the Company" means the Mold and Denbigh Junction Railway Company;

The expression "the railway" means the railway and the works connected therewith by this Act authorised.

Part II.

Construction of Works and Acquisition of Land.

Power to make railway and works.

5. 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 railway and works in the county of Denbigh hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railway hereinbefore referred to and authorised by this Act is—

A railway (to be called the Bodfari Curve) one mile four chains in length to be wholly situate in the parish of Trefnant in the rural district of Saint Asaph (Denbigh) in the county of Denbigh commencing by a junction with the Vale of Clwyd Branch of the London and North Western Railway at a point ninety yards or thereabouts measured in a north-westerly direction from the centre of the occupation road level crossing over that railway which is about ninety yards in a northerly direction from the College Farm buildings and terminating by a junction with the Mold and Denbigh Junction Railway at a point about ninety yards westward of the centre of the road bridge crossing that railway near Ty'n-lôn Farm.

Extending agreement between Company and London and North Western Railway Company.

6. The railway and works by this Act authorised shall be deemed to be part of the railway as defined in the articles of agreement made the twelfth day of November one thousand eight hundred and sixty-eight between the London and North Western Railway Company of the one part and the Company of the other part and set forth in the schedule to and confirmed by the London and North Western Railway (New Works and Additional Powers) Act 1869 and the said articles of agreement shall extend and apply to the railway and works by this Act authorised.

For protection of Postmaster-General.

7.—(1) Nothing in this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over

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or across the railway and from time to time to alter such telegraphic lines and to enter upon the railway for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the railway is owned leased or worked by the London and North Western Railway Company.

(2) If any of the works authorisèd by this Act shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the said Act shall apply to any such alteration.

Period for compulsory purchase of lands.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to deviate.

9. In making the railway the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards or to such further extent as the Company may find necessary or convenient and as may be sanctioned by the Board of Trade.

Company not liable to repair surface of road gradient of which is not increased.

10. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or public highway is permanently altered.

Railway to form part of Mold and Denbigh Junction Railway.

11.—(1) The railway and the works connected therewith shall for the purposes of tolls rates and charges and all other purposes be part of the undertaking of the Company and of the Mold and Denbigh Junction Railway.

(2) The London and North Western Railway Company may demand and take for the use of the railway by this Act authorised and for the conveyance thereover of passengers and parcels by passenger trains the tolls rates and charges authorised by the Mold and Denbigh Railway Act 1861 and for the conveyance thereover of the merchandise (including perishable

merchandise by passenger trains) specified in the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 the London and North Western Railway Company may demand and take the rates and charges by that Act authorised in respect of the Mold and Denbigh Junction Railway.

Period for completion of railway.

12. 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Deposit money not to be repaid except so far as railway opened.

13. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of nine hundred and sixty-five pounds six shillings being five per cent. upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers or merchandise traffic and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and

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the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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.

14. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers' or merchandise traffic then and in every such case the deposit fund shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore 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 depositors.

Lands for extra-ordinary purposes.

15. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to grant easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

As to private rights of way.

17. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to lease lands &c.

18. And whereas lands have from time to time been purchased or acquired by the Company adjoining or near to railways or stations belonging to the Company but such lands are not immediately and may not hereafter be required for the purposes of the undertaking of the Company and it is expedient that further powers should be conferred upon the Company with respect to such lands Therefore notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the Company shall not be required to sell or dispose of any such lands but may retain hold or use or may lease or otherwise dispose of the same.

For protection of London and North Western Railway Company.

19. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall unless otherwise agreed apply and have effect:—

(1) The junction of the railway with the Vale of Clwyd Branch Railway of the North Western Company shall be constructed within the limits of deviation and according to plans and sections to be approved

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in writing by the principal engineer of the North Western Company or in the event of difference by arbitration as hereinafter provided:

(2) Any interference with the works of the North Western Company or any additions to or alterations of such works which in the opinion of the said principal engineer may be necessary or convenient for effecting the said junction shall be executed by the North Western Company at the expense of the Company:

(3) If the North Western Company shall require at any future time to widen their railway or otherwise utilise for the purposes of their railways their lands adjoining thereto any extra costs they may be put to by reason or in consequence of the construction of the railway shall be repaid to them by the Company:

(4) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon during the execution of the railway or the works in connection therewith or any act or omission of the Company or of their contractors or of any of the persons in the employ of the Company or of their contractors in or about such execution and the Company will effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them during such execution:

(5) If in the opinion of the North Western Company it shall be necessary for the North Western Company to purchase or pay compensation for any minerals required to be left unworked by reason of the junctions of the railway with the said Vale of Clwyd Railway then the Company shall on demand pay to the North Western Company a fair proportion of all costs and expenses incurred by them in relation to any such purchase or payment of compensation:

(6) The Company shall not without the previous consent in writing of the North Western Company under their common seal acquire or use more of the land or property of the North Western Company than will be necessary for the construction of the railway as may be reasonably necessary in connection therewith:

(7) If any difference shall arise between the Company and the North Western Company under this section or if the decision of the principal engineer under subsection (2) hereof is not accepted by the Company such matter in dispute shall be referred to and be determined by an engineer or other fit person to be mutually nominated by the respective engineers of the Company and the North Western Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the North Western Company and the provisions of the Arbitration Act 1889 apply to any such reference.

PART III.

CAPITAL.

Company may apply their funds towards purposes of Act and may create and issue further Debenture Stock "A."

20. The Company may apply towards the construction of the railway and works or other the purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and may subject to the provisions of Part III. of the Companies Clauses Act 1863 and in addition to the said moneys raise for the purposes of this Act and for other purposes of and connected with their undertaking the sum of twenty-five thousand pounds by the creation and issue of further debenture stock "A."

Appointment of receiver.

21. Section 17 of the Act of 1866 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on

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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 ten thousand pounds in the whole.

Application of moneys.

22. All moneys raised under this Act shall be applied for the general purposes of the Company to which capital is properly applicable and not otherwise.

Receipt in case of persons not sui juris.

23. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

PART IV.

MISCELLANEOUS.

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

24. 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 Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

25. 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.

Costs of Act.

26. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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