CHAPTER cl.

An Act for making a Railway from Wrexham in the county of Denbigh to Ellesmere in the county of Salop; and for other purposes. [31st July 1885.]

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WHEREAS the making and maintaining of a railway from the Wrexham Mold and Connah's Quay Railway at Wrexham in the county of Denbigh to join the Cambrian railways at Ellesmere in the county of Salop and other works in connexion therewith as by this Act authorised would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to carry the undertaking into execution if authorised so to do and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that the Company incorporated by this Act should be authorised to run over and use the portion of railway and stations herein-after in that behalf mentioned:

And whereas it is also expedient that the Company incorporated by this Act and the Wrexham Mold and Connah's Quay Railway Company should be empowered to enter into agreements for the maintenance and working of the railway authorised by this Act by the last-mentioned company and for the construction of a joint station at Wrexham:

And whereas plans and sections showing the lines and levels of the railway and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Denbigh Salop and Flint and are herein-after respectively referred to as the deposited plans sections and books of reference:

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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 Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited for all purposes as the Wrexham and Ellesmere Railway Act 1885.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. 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 the expression "the Company" means the Company incorporated by this Act the expression "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. The Right Honourable Adelbert Wellington Brownlow Earl Brownlow, the Right Honourable George Osborne Morgan, the Honourable George Thomas Kenyon, Sir Robert Alfred Cunliffe, Baronet, Edmund Peel, Salusbury Kynaston Mainwaring, Harold Lees, Archibald Peel, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other

the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Wrexham and Ellesmere Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway and other works 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 on the said plans and described in the deposited books of reference as may be required for that purpose. The railway and works herein-before referred to and authorised by this Act are—

(1.) A railway 12 miles 5 furlongs and 5 chains in length commencing in the parish of Wrexham in the county of Denbigh by a junction with Railway No. 1 authorised by the Wrexham Mold and Connah's Quay Railway Act 1882 and terminating in the parish of Ellesmere in the county of Salop by a junction with the railway of the Cambrian Railways Company;

(2.) An alteration of the levels and works of so much of the road leading from Overton to Penley in the county of Flint as lies between a point on that road 8 chains and 40 links or thereabouts measured in an easterly direction along that road from the centre of the bridge on that road called Cannister Bridge to a point on that road 5 chains 40 links or thereabouts measured in a westerly direction along that road from the centre of Cannister Bridge.

Stopping-up of Well Street in the borough of Wrexham.

6. The Company may stop up and extinguish all rights of way in or over a public street or highway called Well Street in the town and borough of Wrexham in the county of Denbigh.

Vesting of site and soil of public street stopped up.

7. The site and soil of the public street or highway stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway be wholly and absolutely vested in the Company if and when under the powers of this Act they become the owners of the lands on both sides thereof and they may appropriate the same to the purposes of their undertaking.

Inclination of roads.

8. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations

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not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended. Inclination.
	County of Denbigh.		
284	Wrexham -	Public road -	1 in 14 on one side of the bridge and level on the other.
	County of Flint.		
9	Wrexham -	Public road -	1 in 15 on one side of the bridge and level on the other.

For the protection of the Liverpool Corporation waterworks.

9. In constructing and maintaining the works by this Act authorised and in exercising any of the powers by this Act conferred upon the Company the Company shall unless the mayor aldermen and citizens of the city of Liverpool (in this section called "the corporation") otherwise consent by writing under their common seal observe perform and fulfil the following provisions stipulations and conditions viz. :—

Walled passages or culverts to be formed.

(1.) Where the railway crosses the Vyrnwy Aqueduct or triple line of pipes of the corporation authorised to be constructed and laid down by them under the powers of the Liverpool Corporation Waterworks Act 1880 in the township of Penley in the parish of Ellesmere in the county of Flint the Company shall construct and maintain a separate walled passage or culvert for each one of the three lines of pipes provided with all necessary manholes drains and means of approach or a girder or other bridge of a span of not less than thirty-three feet the abutments of which shall be so placed as not to interfere with the land on which the corporation have an easement or other right of occupation and of sufficient capacity to enable the same lines of pipes to be examined repaired or renewed and each such walled passage culvert or bridge shall extend in case the railway at the said crossing is on the same level as the adjoining ground at least from the fence on one side of the railway to the fence on the other side and in case the railway at the said crossing is on embankment or in cutting to a distance of not less than six feet beyond the foot of the embankment or the top of the cutting as the case may be on both sides of the railway and the Company shall if required by the corporation

construct in the fences on either side of the railway at the said crossing such gates as may admit of the free exercise by the corporation of the easements rights powers and privileges vested in them for the purpose of the construction and maintenance of their aqueduct and as may give them free access to the said walled passage or walled passages or culvert or culverts or bridge for such purposes and for inspection by walksmen and other the officers and workmen of the corporation with the right to cross the line of railway from gate to gate when and as occasion shall require;

Gates to be constructed in fences of railway.

(2.) All such works to be executed by the Company as aforesaid shall be executed and at all times hereafter maintained at the expense of the Company and shall be executed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the corporation nominated for that purpose and according to plans sections and specifications submitted to and approved of by such engineer before any such works are commenced;

Works to be executed at expense of the Company and according to plans approved by engineer of corporation.

(3.) If the said engineer of the corporation and the engineer of the Company differ concerning the said plans sections and specifications or concerning the execution of the said works every such difference shall be referred to and determined by an engineer to be appointed in case of difference by the President for the time being of the Institution of Civil Engineers on the application of the corporation or of the Company and the costs of and incident to any reference shall be in the discretion of such engineer;

In case of difference plans to be referred to an engineer.

(4.) If by reason of the execution of the works by this Act authorised it shall be found necessary for the corporation to alter the lines or levels of the pipes forming their aqueduct or any of them or any part thereof the Company shall repay to the corporation all the costs and expenses incurred by them in effecting such alteration and incident thereto;

Expenses of alteration to be paid by Company.

(5.) Nothing in this Act shall affect or prejudice the rights powers and privileges which have been granted to or acquired by the corporation for the purposes of the undertaking authorised by the Liverpool Corporation Waterworks Act 1880 and the Company shall only be entitled to acquire a perpetual right and privilege of carrying the railway over the easement in land acquired by the corporation for the purposes of their aqueduct and lines of pipes;

(6.) If by reason of the construction maintenance or working of the railway or the failure of any of the works connected therewith the corporation shall sustain any damage or injury the

Company to compensate corporation for damage.

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Company shall make full compensation in respect thereof and the same shall be recoverable in any court of competent jurisdiction.

For the protection of the corporation of Wrexham.

10. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Wrexham in the county of Denbigh (in this section referred to as the corporation and borough respectively) shall have effect:—

(1.) The word "street" when used in this section shall include any street road or highway and the footpaths thereof respectively;

(2.) The Company shall not break up any street or interfere with any sewer drain or watercourse until they shall have given to the town clerk of the borough three clear days notice in writing of their intention to commence the intended works accompanied by detailed plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers drains and watercourses proposed to be interfered with;

(3.) Where the surface of any street has been interfered with or disturbed by the Company in constructing the railway and works by this Act authorised the Company shall well and sufficiently and to the reasonable satisfaction of the corporation restore the surface so interfered with or disturbed and where street levels are altered metal channel and make good the new street surface and pave the footpaths on altered gradients and shall keep the same in efficient repair for one year from such restoration;

(4.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain the Company shall before interrupting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved of by the corporation or their surveyor another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such sewer or drain or substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with and in such manner as shall be reasonably approved by the corporation or their surveyor;

(5.) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in altering any existing sewer or drain the Company shall repay to the corporation such additional cost;

(6.) If by reason of the execution of any of the powers of this Act any increased length of sewers or drains shall become necessary the same shall forthwith be constructed and laid by the Company according to such plan and section and in such reasonable manner as shall be approved by the corporation or their surveyor;

(7.) The corporation may and are hereby authorised from time to time by agreement with the Company to lay down any sewer or drain under over or along the side of the railway and on or under the bridges of the railway when made;

(8.) In constructing the railway over Vicarage Hill the Company shall carry the same over such street by means of a bridge of one span of not less than thirty-six feet in width;

(9.) The Company shall construct all bridges carrying the railway over any street of one span the full width of the street and foot-path at the point of crossing and having in each case a clear headway not less than that marked upon the deposited sections;

(10.) The abutments and foundations of every bridge carrying the railway over any street shall be carried to such a depth below the surface of the street as shall admit of the renewing reconstructing and repairing of any sewer or drain;

(11.) The Company shall construct and maintain on each side of every bridge for carrying the railway over any street a screen of not less than seven feet in height above the surface of the rails on each such bridge and every such bridge shall be constructed and maintained so as to prevent as far as practicable the dripping of water on the street;

(12.) The Company shall not alter the level of any street to any extent beyond that shown on the deposited sections except with the consent of corporation;

(13.) In stopping up Well Street the Company shall provide for conveying a continual supply of water from the town well so long as such spring continues to flow by means of a conduit to Brook Street for the public use;

(14.) The corporation and the Company may enter into and carry into effect agreements for any variation in the works to be done under this section or in the mode of executing the same;

(15.) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this Act relating to works to be executed and powers to be exercised in the borough or as to the modes of giving effect thereto shall be determined in the manner prescribed in the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

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Capital and number and amount of shares.

11. The capital of the Company shall be one hundred and eighty thousand pounds in eighteen thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

12. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

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

Receipt clause in case of persons not sui juris.

14. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

15. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

16. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding five per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid

17. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share

bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share 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.

out of the profits of the year only.

18. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any such certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

19. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

20. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred half shares.

21. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled or surrendered.

22. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

23. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixty thousand pounds in manner following (that is to say) in respect of

Power to borrow.

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each sum of ninety thousand pounds of the said capital any sum not exceeding in the whole thirty thousand pounds but no part of any such sum of thirty thousand pounds shall be borrowed until shares for so much of the portion of the said capital in respect of which it is authorised to be borrowed as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company 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 whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same And upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

24. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Debenture stock.

25. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

26. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

27. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of meeting.

28. The quorum of meetings of the Company shall be ten shareholders present in person or by proxy holding in the aggregate not less than one tenth of the capital of the Company.

Number of directors.

29. The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

30. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum.

31. The quorum of a meeting of directors shall be three but in case the number shall be reduced to three the quorum shall be two.

First directors.

Election of directors.

32. The Honourable George Thomas Kenyon, Salusbury Kynaston Mainwaring, Harold Lees, Archibald Peel, and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present personally or by proxy (subject to the power herein-before contained for reducing the number of directors) 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 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

33. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Period for compulsory purchase of lands.

34. 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.

For protection of the Wrexham Gaslight Company.

35. For the protection of the Wrexham Gaslight Company (herein-after referred to as "the gas company") the following provisions shall have effect (that is to say):—

(1.) All works matters or things which under the provisions of the Railways Clauses Consolidation Act 1845 or this Act the

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Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the gas company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction and under the sole direction of and in such manner as shall be reasonably required by the engineer for the time being of the gas company and such works matters or other things shall not be commenced until after fourteen clear days previous notice thereof in writing shall have been given to the gas company: Provided always that if the gas company shall elect themselves to execute any portion of the works matters and things which the Company may by this Act be empowered or required to do or exercise with reference to or affecting the mains pipes syphons apparatus or other works of the gas company and of such their election shall give ten days notice in writing to the Company the gas company may themselves execute that portion of the said works matters and things on such terms as shall be agreed upon or failing agreement as shall be decided by arbitration and the reasonable expense of and incident to the executing the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction;

(2.) Any difference arising between the Company and the gas company respecting any of the matters referred to in this section shall be settled by arbitration and by the decision of a sole arbitrator to be appointed if occasion shall arise on the application of either party by the President of the Institution of Civil Engineers and the costs of the arbitration shall be in the discretion of such arbitrator;

(3.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages expenses and penalties which may be occasioned to incurred by or imposed upon the gas company and all damage and loss to any of their mains pipes syphons apparatus property works and conveniences and in the supply of gas by the gas company or otherwise by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such execution or failure or of such act or omission.

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For protection of the Wrexham Waterworks Company.

36. Any works to be constructed laid down or executed by the Company in exercise of the powers conferred by this Act or any other powers in that behalf as also the repairs or renewals thereof crossing being in close proximity to or in any way affecting any mains pipes works land or property at any time or times belonging to or used or occupied by the Wrexham Waterworks Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said waterworks company and according to plans and at such times as shall be reasonably approved by him before any such works or the repairs or renewals thereof are begun (except in cases of emergency arising and then as soon as possible after the beginning of the work or the necessity of the same has arisen) but in all things at the expense of the Company and so as to cause no injury to any such mains pipes works land or property or interference with any works land or conveniences connected therewith or with the supply of water by the said waterworks company to any part of their district and if any such injury to any such mains pipes works land conveniences or property or any such interference with the construction laying down execution repair renewal or use of any works or property of the said Wrexham Waterworks Company shall arise or if the supply of the water of such waterworks company be interfered with or any leakage of water be occasioned by the operations of the Company full compensation shall be made by the Company to the said waterworks company in respect of any such injury interference or leakage the amount of such compensation to be recoverable with full costs by the said waterworks company from the Company by all and the same means as any simple contract debt is or may be recoverable.

Power to take easements by agreement.

37. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release the lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) 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.

Restriction on displacing persons of labouring class.

38. (1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were

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occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until:—

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of such persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the

United Kingdom: Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such

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powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector.

(11.) For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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

39. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 seven thousand four hundred and six pounds five shillings and ninepence Three Pounds per Centum Consolidated Bank Annuities being equal to five per centum 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 of Judicature in England 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 public conveyance of passengers: 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 Chancery Division of the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the

deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the fact 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.

40. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 Chancery Division of the High Court of Justice in England 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

41. If the railway be not completed within five years from the passing of this Act then on the expiration of that period the powers

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by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as may be then completed.

Tolls.

42. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say) :—

For passengers.

In respect of passengers conveyed on the railway—

Class 1. For every person conveyed in a first-class carriage per mile twopence ;

Class 2. For every person conveyed in a second-class carriage per mile one penny halfpenny ;

Class 3. For every person conveyed in a third-class carriage per mile one penny ;

For animals.

In respect of animals conveyed on the railway—

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence ;

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile one penny halfpenny ;

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny ;

For goods.

In respect of goods conveyed on the railway—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fireclay) chalk dung compost and all sorts of common manure salt for agricultural purposes and all undressed materials for the repair of highways ironstone and iron ore per ton per mile one penny ;

Class 8. For all pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise guano and artificial manures undressed stones for building pitching and paving bricks tiles common slates fireclay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny ;

Class 9. For all sugar grain salt for domestic purposes corn flour potatoes earthenware hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile twopence ;

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence ;

In respect of carriages conveyed on the railway—

Class 11. 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 belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per ton threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels. For carriages.

43. For carriages and trucks supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand and take for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit):— Tolls for carriages &c.

For Class 1 for each person per mile one penny;
For Class 2 for each person per mile three farthings;
For Class 3 for each person per mile one halfpenny;
For Class 4 for each animal per mile one penny;
For Class 5 for each animal per mile one penny;
For Class 6 for each animal per mile one halfpenny;
For Class 7 per ton per mile one penny;
For Class 8 per ton per mile one penny farthing;
For Class 9 per ton per mile one penny halfpenny;
For Class 10 per ton per mile one penny three farthings;
For Class 11 for each carriage per mile twopence.

44. The tolls which the Company may demand and take for the use of engines for propelling carriages and trucks on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods whatsoever in addition to the several other tolls or sums by this Act authorised to be taken. Tolls for propelling power.

45. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):— Regulations as to tolls.

For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles;

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges

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on goods 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 and animals 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 tolls rates and charges according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

When the gross charge for carriage shall include a fraction of a penny such fraction shall be charged as a penny;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany beech ash or other hard wood and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity;

The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover for the warehousing and wharfage of goods and for use of sidings or for any other extraordinary services performed by them not incidental to the business or duty of a carrier such reasonable sum or sums as they may think fit but nothing herein contained shall extend or apply to coal cannel culm slack coke or cinder traffic where such traffic is delivered into the yards or sidings owned or rented by the consignor or consignee but where such coal cannel culm slack coke or cinder traffic is loaded unloaded or wharfed upon sidings or yards belonging to and in the occupation of the Company the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof and if the said traffic shall remain on the said siding or yard for a longer period than four days (Sundays Good Friday Christmas Day and Bank holidays excepted) the Company may charge a further reasonable sum in respect thereof.

Tolls for small parcels and articles of great weight.

46. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

For the carriage of small parcels on the railway for any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight one shilling and sixpence;

And for every additional one hundredweight up to five hundredweight ninepence;

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Tolls for single articles of great weight.

47. For the carriage of single articles of great weight on the railway:—

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand or take any sum not exceeding sixpence per ton per mile;

For the carriage of any single thing the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

48. The maximum rate of charges to be made by the Company for the conveyance of passengers including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance (except Government duty) shall not exceed the following (that is to say):—

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.

Maximum rates for animals and goods.

49. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and for locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading covering and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such

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service is performed by the Company) shall not exceed the following sums (that is to say) :—

Class 4 for each animal fourpence per mile ;

Class 5 for each animal twopence per mile ;

Class 6 for every calf or pig one penny per mile and for every other small animal three farthings per mile ;

Class 7 for all coals slack cannel culm lime and limestone one penny halfpenny per ton per mile and for all other articles and things twopence per mile ;

Class 8 twopence halfpenny per ton per mile ;

Class 9 threepence per ton per mile ;

Class 10 fourpence per ton per mile ;

Class 11 for every carriage if having more than two wheels and not weighing more than one ton and a half fivepence and one penny farthing for every additional quarter of a ton per mile and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton ;

Tolls for separate waggons.

Provided also that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers luggage.

50. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal station.

51. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

52. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

53. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railway of animals or goods of any description by agreement with the owners or persons in charge

thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger or other trains.

Company may provide warehouses &c.

54. The Company may provide and maintain at such place or places as they may deem expedient for the better accommodation of the traffic of their railway storehouses or warehouses as places of special or of ordinary security for goods wares and merchandise and if and after any such storehouse or warehouse shall have been approved of and appointed by the Commissioners of Her Majesty's Customs as a warehouse of special security goods wares and merchandise may be warehoused and kept therein without payment of duty in accordance with the provisions of the Customs Consolidation Act 1876 and the Company may demand take and receive such rents charges and remuneration for and in respect of the use and accommodation and services rendered in respect of any goods wares or merchandise stored warehoused or kept in any such warehouse of special security as may be reasonable or as may be agreed between the Company and the owner of any such goods wares or merchandise and the Company are also hereby empowered to give such security and to do all acts necessary to enable them to obtain such approval and appointment of and from the said Commissioners and otherwise to comply with the provisions of the said Act.

Classification table to be open for inspection.

Copies to be sold.

55. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables and other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the persons so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing

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offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Running powers and user of portion of railway and Ellesmere station of Cambrian Railways Company.

56. The Company and any company or companies for the time being lawfully working or using the railway or any portion thereof may pass and run over and use with their engines and carriages for the purposes of traffic of every description and with their clerks officers and servants whether in charge of engines or trains or for any other purpose whatsoever so much of the railway of the Cambrian Railways Company as is situate between the point of junction therewith of the railway authorised by this Act and the Ellesmere Station including that station together with all roads junctions sidings platforms stations station yards watering places booking offices engine sheds standing room for engines tramways buildings watercourses approaches telegraphs signals points machinery works and conveniences on or connected therewith and as regards traffic conveyed by them the Company or any company or companies as aforesaid may demand the same tolls and charges upon and in respect of the said portion of railway stations works and conveniences as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

57. The terms conditions and regulations for or in respect of the use of the said railway and station or any part or parts thereof respectively and the tolls rates and charges or other considerations to be paid for the same shall (if not agreed upon between the Company and the Cambrian Railways Company) be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either company and the decisions of any such arbitrator shall be binding and conclusive on all parties and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct but in the exercise of the before-mentioned powers the byelaws for the time being in force on the undertaking so used so far as such byelaws shall be applicable shall be observed.

Power to enter into working agreements with the Wrexham Mold and Connah's Quay Railway Company.

58. The Company on the one hand and the Wrexham Mold and Connah's Quay Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The working use maintenance and management of the railway or any part or parts thereof;

The supply and maintenance under any agreement for the working and use by the Wrexham Mold and Connah's Quay Railway Company of the railway or any part or parts thereof of rolling or working stock plant and machinery necessary for the purposes thereof;

The appointment and removal of officers and servants;

The payment to be made and condition to be performed in respect of the matters aforesaid;

The interchange collection accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting companies;

The fixing collection payment division appropriation apportionment and distribution of the revenue arising from such traffic or other the profits of the respective undertakings of the contracting companies;

The payment of any fixed or contingent rent and the appointment of joint committees for carrying into effect every or any such agreements as aforesaid.

Tolls on traffic conveyed partly on the railway and partly on other railways.

59. Where under the provisions of this Act traffic is conveyed partly on the railway of the Company and partly on the railway of any other company or companies the railway of the Company and of any other company or companies shall for the purposes of short distance tolls and charges be considered as one continuous railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of any other company or companies for a less distance than three miles tolls and charges may be charged as for three miles only and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railway of any other company or companies.

Agreements with Wrexham Company as to joint station.

60. The Company and the Wrexham Mold and Connah's Quay Railway Company may enter into and carry into effect agreements for the formation erection maintenance management and use on all or any part of the lands in the parish of Wrexham which the Company are authorised to acquire under the powers of this Act and on lands belonging to the Wrexham Mold and Connah's Quay Railway Company or which they are authorised to acquire in that parish or on some of those lands of a joint station for the accommo-

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dation of the traffic of the said companies and for the allocation and appropriation to and the separate and independent ownership and use respectively of any part or parts of the station and the works and conveniences connected therewith and to regulate and provide for the tolls charges rents and sums of money whether annual or in gross to be paid by one to the other of them.

Power to Wrexham Company to apply funds.

61. The Wrexham Mold and Connah's Quay Railway Company may from time to time apply to the purposes of any agreement entered into under the powers of this Act to which capital is properly applicable any of the moneys raised or to be raised under the Wrexham Mold and Connah's Quay Railway Act 1882.

Interest not to be paid on calls paid up.

62. No interest or dividend shall be paid out of any share capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

63. 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.

Provisions as to general railway Acts.

64. 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 or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

65. 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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