CHAPTER cxcvii.

An Act to extend the time for the purchase of Lands and for the completion of the Wrexham and Ellesmere Railway; and for other purposes. [10th August 1888.] A.D. 1888.

WHEREAS by the Wrexham and Ellesmere Railway Act 1885 (herein-after referred to as the Act of 1885) the Wrexham and Ellesmere Railway Company (herein-after called the Company) were incorporated with a capital of £180,000 and power to borrow not exceeding £60,000 and were authorised to make and maintain 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:

And whereas it is expedient that the time limited by the Act of 1885 for the compulsory purchase of lands and for completing the railway and works should be extended:

And whereas it is expedient that the Company should be empowered to run over and use so much of the railways of the Cambrian Railways Company as lies between Oswestry and Bettisfield including the use of all stations works and conveniences in connexion therewith:

And whereas it is expedient that the Company be authorised to pay interest out of capital during the construction of works in manner herein-after provided:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Wrexham and Ellesmere Railway Act 1888. Short title.

A.D. 1888.

Incorporation of part of Railways Clauses Act, 1863.

2. Part II. of the Railways Clauses Act 1863 relating to extension of time is hereby incorporated with this Act.

Extension of time for purchase of lands under the Wrexham and Ellesmere Railway Act 1885.

3. The powers granted to the Company by the Act of 1885 for the compulsory purchase of lands and buildings for the purposes of the railway and works authorised by that Act are hereby extended and may be exercised by the Company for a period of two years from the thirty-first day of July one thousand eight hundred and eighty-eight and on the expiration of that period those powers shall cease.

Extension of time for completion of works.

4. The powers granted by the Act of 1885 for the construction and completion of the railway and works authorised by that Act are hereby extended and enlarged for a period of three years from the thirty-first day of July one thousand eight hundred and ninety.

Owners may be required to sell parts only of certain lands and buildings.

5. And whereas in the construction of the railway and works authorised by the Act of 1885 or otherwise in exercise of the powers of that Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans referred to in that Act may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of the Act of 1885 may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Power to limited owners to take shares for land.

6. Subject to the provisions herein-after contained it shall be lawful for any limited owner named in the Second Schedule to this Act of any lands shown on the deposited plans and described in the book of reference required by the Company for the purposes of any part of their undertaking or railways to agree with the Company that the consideration to be paid for the same and the compensation (if any) to be paid for any permanent damage or

injury to any such lands shall be wholly or in part the allotment to such limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company:—

(1) For the purposes of this section the expression "limited owner" includes any person or persons empowered under the seventh section of the Lands Clauses Consolidation Act 1845 to sell and convey or release lands or any estate or interest therein to the promoters of the undertaking;

(2) All shares issued pursuant to this section shall be deemed to be fully paid up shares in the capital of the Company and the names of the holders thereof shall be inserted as such in the register of shareholders;

(3) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts and for the same purposes and in the same manner as the lands in consideration for which such shares are issued stood settled immediately before the conveyance of such lands to the Company;

(4) The Company shall make an entry in their register of shareholders of the uses trusts and purposes aforesaid and subject to the uses trusts and purposes affecting such shares such limited owner in respect thereof shall have all the other rights and powers of a shareholder of the Company;

(5) The Company shall not be bound to see to the application of any dividend payable to a limited owner or be in any way responsible with respect to the application thereof.

For protection of the Wrexham Waterworks Company.

7. 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 for 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

A.D. 1888.

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 use Cambrian Railways between Oswestry and Bettisfield.

8. The Company or any other company or companies lawfully working or using the railway of the Company or any portion thereof may run over and use with their engines carriages and waggons and with their clerks officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much of the railways of the Cambrian Railways Company as lies between their Oswestry and Bettisfield stations and all stations (including the Oswestry and Bettisfield stations) and all roads approaches station yards platforms points signals water water-engines engine sheds standing room for engines booking and other offices sidings junctions telegraphs and telegraphic apparatus machinery works and conveniences of or connected with such railways and stations and as regards traffic conveyed by them the Company and any other company or companies lawfully working or using the railway of the Company may demand the same tolls and charges upon and in respect of such railways stations works and conveniences as are for the time being authorised to be taken thereon or in respect thereof and in consideration of those powers and privileges the Cambrian Railways Company shall have similar powers and privileges over or in respect of the railway of the Company authorised by the Act of 1885 including the user of the Wrexham station of the Company.

Terms of such user.

9. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other considerations to be paid by the Company and the Cambrian Railways Company respectively for and in respect of the use of such railways stations works and conveniences of the Cambrian Railways Company and the Company respectively shall be such as are from time to time agreed upon between that company and the Company or failing such agreement

as may from time to time be determined in manner provided by the Regulation of Railways Act 1873 with respect to differences between railway companies 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.

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

10. Where under the provisions of this Act traffic is conveyed partly on the railway of the Company and partly on the railways 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.

Number of directors.

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

Restriction on displacing persons of labouring class.

12.—(1) The Company shall not under the powers of the Act of 1885 as extended by 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 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 accommo-

A.D. 1888.

dation 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 indorsed 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 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.

A.D. 1888.

(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.

Power to pay interest out of capital during construction.

13. Notwithstanding anything in the Act of 1885 or this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by the Act of 1885 authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by the Act of 1885 authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by the Act of 1885 in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same;

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(C) The aggregate amount to be so paid for interest shall not exceed six thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid;

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares;

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan 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.

Provision as to general Railway Acts.

14. 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.

Costs of Act.

15. 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.

A.D. 1888.

The FIRST SCHEDULE referred to in the foregoing Act.

PARISH OF WREXHAM COUNTY OF DENBIGH.

No. on Plan referred to in the Act of 1885.	Description of Property.	No. on Plan referred to in the Act of 1885.	Description of Property.
118	Malt-house offices chandlery workshops outbuildings and sheds	141	Brewery store-rooms offices cellars sheds yards and outbuildings
121	Brew-house stables yard shed and outbuildings	144	Yard piggeries and outbuildings
122	Yard and passage	198	Stables yards sheds cooperage piggeries saddle-room store-rooms passage coach-houses and outbuildings
127	Garden and piggeries		
130	Warehouses		
131	Yard shed piggeries and outbuildings	201	Store-room washhouse yard and outbuildings
139	Garden tool-house and brook	271	Orchard and piggeries
140	Garden	273	Garden and brook

The SECOND SCHEDULE referred to in the foregoing Act.

The Right Honourable Adelbert Wellington Brownlow Earl Brownlow.
Sir Herbert Lloyd Watkin Williams Wynn Baronet.
Edmund Peel.
The trustees under the will of the late Benjamin Piercy deceased.
The Right Honourable Lloyd Lord Kenyon.
Sir Robert Alfred Cuncliffe Baronet.
The trustees under the will of James Mellor deceased.
The trustees under the marriage settlement of Thomas Cotgreave.
The trustees under the will of George Cambell.

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