ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cclx.

An Act to enable the *Wrexham and Minera* Railway Company to make and maintain new Lines of Railway; and for other Purposes.

[5th *July* 1865.]

WHEREAS by "The *Wrexham and Minera* Railway Act, 1861," the *Wrexham and Minera* Railway Company (in this Act called "the Company") were incorporated, and authorized to make a Railway from *Wrexham* to *Minera*: And whereas the said Railway has been completed and opened for Traffic: And whereas it is expedient that the Company should be empowered to construct the Railways herein-after described: And whereas Plans and Sections of the intended Railways showing the Lines and Levels thereof, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which under this Act may be taken by the Company, have been deposited with the respective Clerks of the Peace for the Counties of *Denbigh* and *Flint*: And whereas it is expedient that the *Great Western* Railway Company and the *London and North-western* Railway Company, or either of them, should be authorized to contribute towards the Capital of the Company to the Extent herein-after mentioned: And whereas the Railways hereby authorized will communicate with the Railways belonging to the *Great Western* and the *London and North-western* Railway Companies respectively, and it is expedient that the

24 & 25 Vict. c. xxxii.

Company and those Companies respectively should be empowered to enter into such Arrangements and Agreements as are herein-after expressed; but 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Wrexham and Minera* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," so far as the Provisions of the same respectively are applicable to the Purposes of this Act, and are not inconsistent with the Provisions thereof, shall be incorporated with and form Part of this Act.

8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital of the Company into Shares;" "with respect to the Transfer or Transmission of Shares;" "with respect to the Payment of Subscriptions and the Means of enforcing Payment of Calls;" "with respect to the Forfeiture of Shares for Nonpayment of Calls;" "with respect to the borrowing of Money by the Company on Mortgage or Bond;" "with respect to the Remedies of Creditors of the Company against the Shareholders;" "with respect to the Conversion of the borrowed Money into Capital;" "with respect to the Consolidation of Shares into Stock;" "with respect to the Provision to be made for affording Access to the Special Act by all Parties interested;" and Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares and Stock created, whether by the Company or the contributing Companies, and Mortgages granted, and Money borrowed under the Powers of this Act.

Interpretation of Terms.

4. Where in this Act the Word "Railway" occurs the same includes the Railways and other Works and Conveniences connected therewith by this Act authorized to be made, unless there be something in the Subject or Context repugnant to such Construction.

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

5. The several Words and Expressions to which in the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to create new Capital.

6. It shall be lawful for the Company at any Time and from Time to Time to raise by the Creation and Issue of Shares or Stock such

such Sums of Money, in addition to the Share Capital which they are already authorized to raise, as they shall deem expedient, not exceeding in the whole the Sum of Sixty thousand Pounds, and the Company may create and issue such Shares either wholly or partially as Ordinary Shares, or wholly or partially as Preferential Shares, as they may think fit.

Shares not to issue until One Fifth paid up.

7. It shall not be lawful for the Company or the contributing Companies to issue any Share under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Qualifications of new Shares.

8. Except as by or under the Powers of this Act otherwise provided, the new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount thereof from Time to Time held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting, as the like Amount of existing Ordinary Shares or Stock of the Company.

Calls.

9. One Fourth of the total Amount of any Shares created under the Authority of this Act shall be the greatest Amount of any One Call which the Directors may make in respect of such Share, and Two Months at the least shall be the Interval between successive Calls in respect of any such Share, and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Three Fourths of the total Amount thereof.

Power to create Debenture Stock.

10. It shall be lawful for the Company from Time to Time when and as they are entitled to borrow to raise all or any Part of the Money which they shall for the Time being have raised or be authorized to raise by Mortgage by the Creation and Issue of Debenture Stock.

Power to borrow on Mortgage.

11. When and so soon as the whole of the Capital which the Company is authorized to raise by the Creation of Shares or Stock under this Act shall have been subscribed for, and One Half thereof shall have been paid up, and they shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and issued, and that One Half of such Capital has been paid up, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that all Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, it shall be lawful for the Company from Time to Time, with the Authority of any General Meeting of the Company, to borrow on Mortgage of their Undertaking, in addition to any other Sums which they are or may be authorized to borrow, any Sum

or Sums of Money not exceeding in the aggregate Twenty thousand Pounds.

Former Mortgages to have Priority.

12. All Mortgages or Bonds granted by the Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Application of Sums raised under this Act.

13. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Stock or on Mortgage shall be applied primarily to the Construction of the Railway by this Act authorized, and the Surplus, if any, may be applied to the general Purposes of the Company.

Power to apply Corporate Funds to Purposes of this Act.

14. The Company may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Power to Great Western Railway Company to contribute.

15. The *Great Western* Railway Company from Time to Time may subscribe for or take and hold Shares of the Capital of the Company to any Extent not exceeding Thirty thousand Pounds.

Power to London and North-western Company to contribute.

16. The *London and North-western* Railway Company from Time to Time may subscribe for or take and hold Shares of the Capital of the Company to any Extent not exceeding Thirty thousand Pounds.

Power for contributing Companies to raise and apply Monies for Contribution towards Funds of Company.

17. For the Purposes of any Contribution by either of the said other Companies towards the Funds of the Company, the contributing Companies respectively may apply any Monies now or hereafter belonging to them or under their Control, and which are not by any Act or Acts relating to them respectively appropriated for any Purpose, or which if so appropriated are not required for that Purpose, and may raise any Monies by the Creation and Issue of new Shares or Stock, either ordinary or preferential, but if preferential the Dividend thereon shall not exceed the Rate of Five Pounds *per Centum per Annum*.

Power to take Lands.

18. Subject to the Provisions of this Act and the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, use, and appropriate all or any of the Lands defined on the deposited Lands, and described in the deposited Book of Reference.

Powers for compulsory Purchases limited.

19. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

20. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land not exceeding Five Acres

Acres adjoining or near to the Railway hereby authorized, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Power to make Railways.

21. Subject to the Provisions and Powers of Deviation contained in this Act and the Acts wholly or partially herewith incorporated, the Company may make and maintain the Railways after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, in the Lines and upon the Lands shown upon the Plans and described in the Book of Reference, and according to the Levels defined in the Sections deposited as aforesaid; (that is to say,)

No. 1. A Railway commencing by a Junction with the *Minera* Branch of the *Great Western* Railway in the Township of *Broughton*, the Ecclesiastical District of *Brymbo*, the Parish of *Wrexham*, and the County of *Denbigh*, and terminating by a Junction with the Branch Railway which diverges from the *Mold* Branch of the *Chester and Holyhead* Railway (commonly called the *Fridd* or *Leeswood* Branch) in the Parish of *Treiddyn* and County of *Flint*:

No. 2. A Railway commencing by a Junction with the before-mentioned *Fridd* or *Leeswood* Branch of the *Mold* Branch Railway aforesaid, and terminating by a Junction with the *Mold* Branch Railway aforesaid, all in the Parish of *Mold* and the County of *Flint*.

Regulating crossing of private Tramway of the North Wales Coal OilCompany.

22. In constructing Railway No. 2. over the Tramway belonging to the *North Wales* Coal Oil Company (Limited), and numbered 14 on the deposited Plans in the Parish of *Mold*, the Company shall leave a clear Headway above the Level of the Rails of the said Tramway as now existing sufficient to admit of the Passage of any Locomotive Engine now working upon the Railway of the Company, or upon the *Mold* Railway of the *London and North-western* Railway Company.

As to Construction of Railway No. 2. through Property of J. W. Eyton, Esq.

23. The Centre Line of the Railway No. 2. where it passes through the Property of *John Wynne Eyton* Esquire shall be constructed as near to the North-easternmost Limits of Deviation of that Railway as shown upon the deposited Plans as practicable, having regard to the Convenience of adjoining Property.

Regulating Inclinations of certain Roads.

24. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after mentioned on the deposited Plans over or under the Railway hereby authorized, as also to make and construct the proposed Diversions of the Roads numbered as after mentioned on the deposited Plans, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

No. on Plan.	Parish.	Inclination.	Description of Roads.
68	Brymbo - -	1 in 7	Public Carriageway.
11	Hope - -	1 in 7	Public Carriageway.

Period for Completion of Works.

25. The Railway hereby authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Penalty on Company if Railway not completed, &c. within a limited Period.

26. In case the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period until the Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade, and which the said Board are hereby authorized to grant upon Cause shown to their Satisfaction by the Company, that the Company was prevented from completing or opening the Railway by unforeseen Accident or by Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls, &c. of Wrexham and Minera Railway to apply.

27. The Railway and Works executed under the Authority of this Act shall for all Purposes whatsoever be Part of the Undertaking of the Company, and, as regards Tolls, Rates, and Charges, as if the same had originally formed Part of the Railway authorized by "The *Wrexham and Minera* Railway Act, 1861."

Power to make Working and Traffic Arrangements with the Great Western and London and North Western Railway Companies.

28. The Company and the *Great Western* Railway Company and the *London and North-western* Railway Company, or the Company and either of the last-named Companies, may from Time to Time make any Contracts and Agreements with respect to the following Purposes or any of them; (that is to say,)

First, the User, Working, and Maintenance by the *Great Western* Railway Company and the *London and North-western* Railway Company, or either of them, of all or any Part of the Railway of the Company and of the Railways hereby authorized, and the Stations, Sidings, Watering Places, and all other Works and Conveniences belonging thereto, and likewise the User and Working by the Company of the *Great Western* Railway and the *London and North-western* Railway, or any Part thereof respectively, and of the Branches, Stations, Sidings, Watering Places, and all other Works and Conveniences belonging to the said Railways respectively:

Secondly, the Conveyance by the *Great Western* Railway Company and the *London and North-western* Railway Company, or either of them, of all or any Part of the Traffic passing upon or over the Railway hereby authorized, or any Part thereof:

Thirdly, the Supply of any Rolling or Working Stock to or by the Company:

Fourthly,

Fourthly, the Accommodation, Conveyance, Forwarding, Interchange, and Management of Traffic on, to, and from the Railways of the said respective Companies, or any Part thereof respectively:

Fifthly, the Division between the Companies, Parties to such Contracts, of the Profits and Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively:

Sixthly, the Tolls, Rates, Duties, and Charges, Rent, or other Consideration to be charged in respect of such Traffic, or to be paid in respect of such User, and the fixing and appointing of such Tolls, Rates, Duties, and Charges, Rent, or other Consideration, or any of them.

Tolls during Contract.

29. During the Continuance of any Contract or Agreement which may be entered into under the Authority of this Act the Railways of the Companies, Parties to such Agreement, shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways and partly on the Railway of any other Company, Party to such Agreement, for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles, and in respect of Passengers for each Mile or Fraction of a Mile beyond Three Miles Tolls and Charges as for One Mile only, and in respect of Animals, Minerals, 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 Short Distance Charge other than for Three Miles shall be made for the Conveyance of Passengers, Animals, and Goods or other Matters partly on the Railway and partly on the Railway of any other Company as aforesaid.

The Company and other Railway Companies to afford Traffic Facilities to each other.

30. The Company on the one hand, and the *London and North-western* Railway Company, the *Great Western* Railway Company, the *Wrexham, Mold, and Connah's Quay* Railway Company respectively on the other hand, shall from Time to Time afford to each other all reasonable and proper Facilities for the due Interchange, Accommodation, Protection, and direct and speedy Transmission of, and shall accordingly interchange, accommodate, protect, or directly and speedily transmit on their respective Railways or any Part thereof, any Traffic passing or intended to pass over their own and each other's Railways respectively, and which is from Time to Time tendered to the Company or the before-mentioned Companies, or any of them, for Transmission on their own respective Railways or any Part thereof.

Terms for affording the Traffic Facilities.

31. All such Facilities for the Interchange, Accommodation, Protection, and Transmission of Traffic shall be afforded by the Company and the before-mentioned Companies, subject to such reasonable Rules and Regulations, and on Payment of such Tolls, Fares, Rates, and Charges, as the Company and such One or more of the several

Railway

Railway Companies as are interested from Time to Time agree on, or as, failing Agreement between them respectively, shall be determined under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator, to be in every Case agreed on by the Parties so interested, or, failing Agreement in that Behalf, to be, on their or any of their Application, from Time to Time appointed by the Board of Trade.

Interest not to be paid out of Capital.

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

Deposits for future Bills not to be paid out of the Company's Capital.

33. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

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

Expenses of Act.

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

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