CHAPTER ccxxxii.

An Act for leasing the Buckley Railway to the Wrexham, Mold, and Connah's Quay Railway Company, and to make certain arrangements with reference to the Capital of the Wrexham, Mold, and Connah's Quay Railway Company; and for other purposes. [5th August 1873.] A.D. 1873.

WHEREAS by the Buckley Railway Act, 1860, the Buckley Railway Company (in this Act referred to as the Buckley Company), was incorporated and authorised to make a railway from Buckley to Connah's Quay in the county of Flint, and a railway to join the Chester and Holyhead line with the said first-mentioned railway, and the said Act has been amended by subsequent Acts described in the First Schedule to this Act, and the powers of the Buckley Company have been altered and enlarged: 23 & 24 Vict. c. lxxxiv.

And whereas by the Wrexham, Mold, and Connah's Quay Railway Act, 1862, the Wrexham, Mold, and Connah's Quay Railway Company (in this Act referred to as the Wrexham Company), was incorporated and authorised to make a railway from Wrexham to join the Buckley Railway at Buckley, with branches to Frood, and Moss, and Gwersyllt, and junctions with the Shrewsbury and Chester branch of the Great Western Railway at or near the Wrexham station, and the Chester and Mold branch of the Chester and Holyhead Railway near Hope station, and the said last-mentioned Act has been amended by subsequent Acts described in the Second Schedule to this Act, and the powers of the Wrexham Company have been altered and enlarged: 25 & 26 Vict. c. ccxxi.

And whereas by the Buckley and Wrexham, Mold, and Connah's Quay Railway Companies Act, 1866, certain articles of agreement bearing date the thirtieth day of June one thousand eight hundred and sixty-three, set forth in the schedule to that Act, were confirmed:

And whereas by the said articles it was (amongst others) provided that the Wrexham Company, when they were in a position

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legally to do so, might apply to Parliament for an Act for a lease to them for one thousand years of the undertaking, railway, property, and effects of the Buckley Company, or (at the option of the Wrexham Company) for the amalgamation thereof (on the terms therein mentioned) with the undertaking, railway, property, and effects of the Wrexham Company:

And whereas the Wrexham Company and the Buckley Company have agreed that there shall not be any such amalgamation as aforesaid:

And whereas it is expedient that the undertaking of the Buckley Company be vested in the Wrexham Company by way of lease, and that such other provisions should be made in relation to the said Companies as are in this Act contained:

And whereas the Buckley Company have a share capital of sixty-six thousand and seventy-two pounds, and a loan capital of twenty thousand pounds, and have no other debts:

And whereas it is expedient for the purposes aforesaid that the Wrexham Company should be empowered to raise further capital in the manner and subject to the conditions in this Act provided:

And whereas the objects of this Act cannot be attained 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, Mold, and Connah's Quay Railway Company's Act, 1873.

Undertaking of Buckley Company vested in Wrexham Company by way of lease.

2. The undertaking of the Buckley Company, including all their railways, wharves, and shipping places, and all their powers and rights which are required for the purposes of the management, repair, maintenance, user, and working of their undertaking, shall be and is hereby (subject to the provisions of this Act) vested in the Wrexham Company by way of lease for a term of one thousand years, to take effect as on and from the thirtieth day of June one thousand eight hundred and seventy-three (which undertaking, including as aforesaid, is in this Act referred to as the demised undertaking).

Demised undertaking to comprise all tolls, &c.

3. Save as specially reserved or excepted in this Act, the demised undertaking shall comprise all tolls, rates, and benefits to which the Buckley Company are entitled under the Buckley Railway Act, 1860, and other Acts relating to or affecting the Buckley Company.

Superfluous lands of Buckley Company not included in demise.

4. The demised undertaking shall not comprise the superfluous land of the Buckley Company not required by them for the purposes of their undertaking, and the same may be dealt with by them as if this Act had not been passed; but all the purchase moneys to arise from the sale of superfluous lands over and above the sum of one hundred pounds shall be applied by the Buckley Company in redeeming their mortgage debt.

Rent.

5. The Wrexham Company shall pay to the Buckley Company as and for the rent and other considerations in respect of the demised undertaking (which in this Act are included in the term rent), the following annual sums; (that is to say,)

1. An annual sum equal to the interest payable on the mortgages for the time being and from time to time in force of the Buckley Company:
2. An annual sum equal to a dividend at the rate of five pounds per cent. per annum on the preference shares and stock for the time being and from time to time of the Buckley Company:
3. An annual sum which for and during the period of ten years next after the said thirtieth day of June one thousand eight hundred and seventy-three shall be equal to a dividend at the rate of four pounds ten shillings per cent. per annum, and which after the expiration of such period of ten years shall be equal to a dividend at the rate of five pounds per cent. per annum on the ordinary shares and stock for the time being and from time to time of the Buckley Company: and
4. An annual sum by way of payment of all expenses of the directors, secretary, inspecting engineers, and auditors of the Buckley Company, which said annual sum shall amount to fifty pounds if and so long as the offices of secretary to the Wrexham Company and secretary to the Buckley Company shall be filled by the same person, but if at any time or times the Buckley Company shall appoint a separate secretary, then an annual sum of eighty pounds if and so long as the said office of secretary shall be filled by different persons.

Rent to be payable quarterly.

6. The rent shall be deemed to have accrued and to accrue from day to day, and shall be payable quarterly on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, without any deduction except for income tax, the first quarterly payment to be made on the thirtieth day of September one thousand eight hundred and seventy-three.

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Arrears of rent to bear interest.

7. If and whenever any quarterly payment of the rent is in arrear in whole or in part for twenty-one days after the time when such quarterly payment is due, then, whether such quarterly payment has been demanded or not, the amount in arrear shall bear interest at the rate of ten pounds per cent. per annum from the day when the same became due until payment (which interest is in this Act referred to as "the interest").

Recovery of rent.

8. The rent and the interest, whether demanded or not, may be sued for and recovered by the Buckley Company in any court of competent jurisdiction.

Rent and interest to be a charge on demised undertaking, and in case of deficiency, on the undertaking of the Wrexham Company.

9. The rent and the interest shall be in the nature of a rent-charge, and shall be leviable and recoverable as such out of the tolls and revenues of the demised undertaking, and in the event of a deficiency shall also be a charge upon the undertaking of the Wrexham Company and the revenues thereof, and shall have a preference and priority over all interest and dividends on the mortgages, debenture stock, preference shares and stock, and ordinary shares and stock for the time being, and from time to time payable to the holders of mortgages, debenture stock, preference shares and stock, and ordinary shares and stock of the Wrexham Company, and also over any mortgages, debenture stock, preference shares and stock, and ordinary shares and stock to be hereafter created or issued by the Wrexham Company, and the payment of the rent and interest shall be from time to time enforceable by the appointment by the Court of Chancery of a receiver, or (if the Court thinks fit) of a receiver and manager, of the demised undertaking, and (in the event of a deficiency) of the undertaking of the Wrexham Company.

Payment of rates and taxes.

10. The Wrexham Company shall pay all tithes, tithe rent-charges, charges, taxes, and duties, and parliamentary, parochial, and other rates, assessments, and impositions, including land tax and passenger duty, for the time being and from time to time payable in respect of the demised undertaking or of any traffic thereon, or otherwise in relation thereto, and shall indemnify the Buckley Company in respect thereof, and any sum paid by the Buckley Company in respect thereof shall be recoverable from the Wrexham Company by all or any of the means by which the rent is recoverable.

No liability to be incurred on account of one company without consent of other company.

11. Neither the Buckley Company nor the Wrexham Company shall at any time during the continuance of the lease by this Act made expend any money or incur any liability on account of the

Buckley Company without the previous consent in writing of the other of those Companies. A.D. 1873.

Payment off and renewal of mortgages of Buckley Company.

12. When and as often as any present or future mortgage of the Buckley Company shall fall due, the Wrexham Company shall provide the moneys for paying off and shall pay off the same, or if the same shall be renewed, or if any moneys shall be borrowed or re-borrowed for, in lieu, or in respect of the moneys so paid off, every such renewal, borrowing, and re-borrowing shall be in due form effected by the Buckley Company on behalf of the Wrexham Company, and, if necessary, under the common seal of the Buckley Company, but in all cases the Wrexham Company shall procure a fitting party or parties who shall advance the moneys necessary to complete every such renewal, borrowing, and re-borrowing respectively, and all the costs, charges, and expenses of and relating to every such paying off, renewal, borrowing, and re-borrowing respectively incurred by the Buckley Company shall be forthwith paid to them by the Wrexham Company; and in any case in which the moneys due on any such mortgage shall have been so paid off, and there shall not be any such renewal or re-borrowing, and the Buckley Company shall cease to be in any way liable for or in respect of such moneys, then and in each such case such a proportion of the rent hereby made payable shall cease to be payable to the Buckley Company as shall be equal in amount to the interest which would have continued to be payable on such mortgage if the same had not been paid off, such proportion of the rent to be calculated only as from the day of such paying off of such mortgage: Provided that nothing contained in this section shall be deemed to exonerate the Wrexham Company from any liability in respect of any arrears of rent or interest due to the Buckley Company: Provided also, that the mortgages which shall be paid off by the Buckley Company out of the moneys to be paid by the Wrexham Company for the purchase of the Buckley Company's locomotive engines, carriages, and other stock and plant, as provided by this Act, shall not be renewed or otherwise dealt with by the Wrexham Company, nor shall the Buckley Company renew the same, nor borrow or re-borrow the amount or any part of the amount thereof until after the determination of the lease by this Act made, unless with the consent of the Wrexham Company, and the Wrexham Company may apply for the purposes of this section any money raised by them for the purposes of their undertaking and not otherwise appropriated by law.

Repair of Buckley Railway.

13. The Wrexham Company shall put the railway of the Buckley Company, and the permanent way thereof, and the branches,

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sidings, stations, fencing, shipping places, wharves, offices, and appurtenances thereof and thereto, and the fixtures mentioned in the second part of the third schedule to this Act, in good, substantial, and efficient repair, working order, and condition, and maintain the same in such good repair, working order, and condition during the term of the lease by this Act made, to the reasonable satisfaction of the Buckley Company, and so that the same may at the determination of that lease be handed over in such good repair, working order, and condition to the Buckley Company.

Provisions of Acts in force to be observed.

14. The Wrexham Company shall, in the exercise of their powers, rights, and privileges under this Act, in all respects duly perform and observe the several provisions with respect to the management, maintenance, repair, working, and user of the demised undertaking, and to the traffic thereof, contained in the Acts from time to time in force with respect to the same, and will at all times fully and freely indemnify and save harmless the Buckley Company from and against all obligations and liabilities in that behalf, and all penalties, forfeitures, losses, damages, costs, charges, and expenses, claims, and demands whatsoever in any way occasioned or incurred by or by reason of any act or default of the Wrexham Company or any of their directors, agents, officers, or servants in relation thereto.

Wrexham Company to have exclusive management of demised undertaking.

15. The Wrexham Company, in consideration of the rent and other payments provided for in this Act and of the other provisions of this Act, shall (subject to the provisions of this Act) have the exclusive right of conducting, managing, regulating, and carrying on the whole passenger and goods and other traffic of the demised undertaking, and of fixing and from time to time regulating and receiving themselves, or by their officers, agents, and servants, the tolls, rates, fares, and charges to be taken in respect thereof.

Buckley Company to publish byelaws.

16. The Buckley Company shall from time to time, on the application and at the expense of the Wrexham Company, duly make and publish all proper byelaws, and all proper notices of the tolls, rates, and charges to be taken in respect of the demised undertaking.

Wrexham Company to preserve and develope traffic of demised undertaking.

17. The Wrexham Company shall, during the continuance of the lease by this Act made, at their own expense duly and properly work and manage the demised undertaking so as fully and effectually to preserve and develope the traffic thereof and thereon; and nothing contained in this Act shall in any way prejudice or affect the rights of the Buckley Company to oppose any application which may be made to Parliament, or otherwise, for powers which in their opinion may affect the demised undertaking or the status thereof.

Payment of salaries, wages, &c.

18. The Wrexham Company shall provide and employ and shall punctually pay the salaries and wages of all managers, station masters, inspectors, clerks, porters, engine drivers, guards, watchmen, and workmen, and all other officers and servants requisite for the management of the demised undertaking (but not including the Buckley Company's secretary, auditors, and inspecting engineers), and shall provide and employ all such locomotive powers, engines, carriages, waggons, and other rolling stock, plant, stores, materials, and labour as shall be proper and sufficient for the working and user of the demised undertaking, and the reception, accommodation, conveyance, and delivery by the Wrexham Company of the traffic thereof, and the Buckley Company shall not be bound to employ or provide any such person or thing.

Erection of further offices, sidings, and conveniences.

19. The Wrexham Company may from time to time at their own expense, on any part of the land comprised in the demised undertaking, put up such further offices, engine-houses, turntables, sidings, buildings, works, and conveniences as they think proper for the traffic and management of the demised undertaking, and may from time to time alter or remove the same, leaving the demised undertaking free from all damage caused by such alteration or removal.

Wrexham Company to indemnify Buckley Company against non-observance of provisions of Acts relating to the Buckley Company.

20. The Wrexham Company shall observe the provisions of all Acts relating to the demised undertaking and all obligations by Parliament or other competent legal authority imposed on the Buckley Company, their successors, directors, officers, agents, or servants, in respect of the demised undertaking, and the Wrexham Company shall indemnify the Buckley Company against all actions, claims, and demands, costs, damages, and expenses which the Buckley Company may incur, be put to, or pay by reason of the non-observance or non-performance of any of those provisions or obligations, or by reason of any act or default of the Wrexham Company, or of their officers, servants, or workmen, and all costs and expenses so incurred or paid by the Buckley Company shall be paid to them by the Wrexham Company as costs between solicitor and client.

Cancellation of agreement of 30th of June 1863, and repeal of Act confirming it.

21. As on and from the thirtieth day of June one thousand eight hundred and seventy-three, the said articles of agreement bearing date the thirtieth day of June one thousand eight hundred and sixty-three shall cease to operate, and the said Act confirming the same shall be and is hereby repealed: Provided always, that such cesser and repeal shall not affect the past operation of any of the said articles or of the said Act, nor anything duly done or

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suffered before the said thirtieth day of June one thousand eight hundred and seventy-three, nor any right, privilege, obligation, or liability accrued or incurred before the said thirtieth day of June one thousand eight hundred and seventy-three under the said articles, or any of them, or the said Act.

Saving rights of Buckley Company.

22. This Act shall not in any way alter or affect the right of the directors of the Buckley Company or the shareholders therein of holding such meetings and doing such acts, matters, and things as they may from time to time deem necessary or expedient for the management of the affairs of the Buckley Company or for carrying into effect the provisions of this Act.

Application of rents on lease.

23. The directors of the Buckley Company shall stand possessed of the money coming to their hands under this Act, upon trust to pay and apply the same as the profits of the undertaking of the Buckley Company would have been applicable if this Act had not been passed.

Wrexham Company to purchase rolling stock for 4,363*l.* 10*s.*

24. Within one year after the passing of this Act the Buckley Company shall sell and the Wrexham Company shall purchase the locomotive engines, carriages, and other rolling stock belonging to the Buckley Company described in the first part of the third schedule to this Act, for the sum of four thousand three hundred and sixty-three pounds ten shillings, and the purchase money paid to the Buckley Company for the same shall be applied by that Company towards redeeming their mortgage debt.

Power to raise 6,000*l.* by the creation of debenture stock.

25. In addition to the moneys authorised to be raised by the Wrexham, Mold, and Connah's Quay Railway (Arrangement) Act, 1869, the Wrexham Company may raise by the creation and issue of debenture stock (to be called "A" debenture stock) any further sum not exceeding in the whole the sum of six thousand pounds; such debenture stock shall be issued at par and shall bear interest at a rate not exceeding six per centum per annum, and such debenture stock shall have all and the like priority, and the holders of the same shall have all and the same rights, powers, and benefits as if the same had been "A" debenture stock issued under the authority of the said Act of 1869, but debenture stock issued under this Act shall not be a charge on the demised undertaking.

Application of moneys raised under this Act.

26. Of the moneys raised by the issue of the debenture stock by this Act authorised to be created, the sum of four thousand three hundred and sixty-three pounds ten shillings shall be applied in and towards the purchase of the locomotive engines, carriages, and other stock and plant of the Buckley Company according to the terms in that behalf in this Act contained.

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Arbitration.

27. If and whenever any difference arises between the Buckley Company and the Wrexham Company touching the true intent or construction or the effect of this Act, or touching anything to be done, suffered, or omitted in pursuance of this Act, or touching the performance or observance, or any breach or non-fulfilment or alleged breach or alleged non-fulfilment of the conditions of this Act, or touching any claim or demand relating to any such breach or non-fulfilment, or otherwise relating to the premises, every such difference as and when it arises, or as soon thereafter as circumstances permit, shall be referred to and determined by the arbitration of Horace Lloyd, Esquire, one of Her Majesty's counsel, or in default of him, an arbitrator to be appointed on the application of either Company by Her Majesty's Attorney General for the time being, the arbitration to be subject to and in accordance with the provisions of the Railway Companies Arbitration Act, 1859, and this section shall accordingly be and have effect as an agreement between the two Companies for arbitration under that Act; and if and whenever at any time the Wrexham Company fail in the performance or observance of any of the provisions of this Act, the Buckley Company may refer it to arbitration under this section to determine whether or not the circumstances justify them in retaking possession of their undertaking and of their rolling stock and plant, and resuming the working of their undertaking, and if it be so determined they may retake possession and resume working accordingly on such terms and conditions whatsoever and for such length of time as shall be awarded in the arbitration.

Interest not to be paid on calls paid up.

28. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

29. Neither the Buckley Company nor the Wrexham Company shall, out of any money which each of the said companies is by any Act authorised to raise, 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 such Company to construct any other railway or to execute any other work or undertaking.

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Railways not exempt from provisions of present and future general Acts.

30. Nothing herein contained shall be deemed or construed to exempt the railways of the Buckley Company or the Wrexham Company, or of either of them, from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels which the said companies or either of them are now authorised to demand or take.

Payment of stamp duty.

31. Within three months after the passing of this Act a printed copy of this Act shall be produced to the Commissioners of Inland Revenue, and on the proper payment being made the same shall be stamped with the stamp which would be requisite on a lease of the undertaking of the Buckley Company being made to the Wrexham Company by deed.

Expenses of Act.

32. All the costs, charges, and expenses of and incidental to the applying for, obtaining, and passing of this Act, including all costs as between solicitor and client, and all costs, charges, and expenses which the Buckley Company may have incurred for the protection of that Company in relation to this Act or in relation to any agreement for the lease by this Act made, shall be paid by the Wrexham Company.

THE FIRST SCHEDULE.

The Buckley Railway Act, 1863.
The Buckley Railway (Additional Powers) Act, 1866.
The Buckley and Wrexham, Mold, and Connah's Quay Railway Companies Act, 1866.

THE SECOND SCHEDULE.

The Wrexham, Mold, and Connah's Quay Railway (Extensions) Act, 1864.
The Wrexham, Mold, and Connah's Quay Railway (Dee Valley Branch) Act, 1865.
The Wrexham, Mold, and Connah's Quay Railway (Extensions) Act, 1865.
The Wrexham, Mold, and Connah's Quay Railway (Additional Capital) Act, 1866.
The Wrexham, Mold, and Connah's Quay Railway (Extensions) Act, 1866.
The Wrexham, Mold, and Connah's Quay Railway (Additional Powers) Act, 1866.
The Wrexham, Mold, and Connah's Quay Railway (Extension of Time) Act, 1867.
The Wrexham, Mold, and Connah's Quay Railway (Arrangement) Act, 1869.

THE THIRD SCHEDULE.

First Part.

Two locomotive engines, two lifting jacks, three pinch bars, and all the necessary men's tools, four big-end brasses, four little ditto, six brass tubes, six plugs, one iron tubing, one break screw, four clacks and balls, one spring bolt, nutts, cotters, &c., one leather pipe with brass nozzle, one water crane, one bellows, one anvil, one vice with hammer, chisel, &c., one coal staith, five cranes (three tons) complete, one traverser, signals complete, one safe, one copying press, one clock, one table, five chairs, two stools, fender, fireirons, &c., one long desk, one cupboard, one weighing machine (twenty tons), with wooden office, desk, and one stove, one hut, one stove, one wooden chest, lamps, and other sundries.

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SECOND PART.

Four three-ton cranes, one steam portable crane, one weighing machine on quay, one 16-ft. turntable, one 12-ft. turntable, one coal tipping machine, one wrought-iron shoot.

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