CHAPTER ccxxxii.

An Act to enable the Wrexham Mold and Connah's Quay Railway Company to make new Branch Railways Roads Streets and other Works to raise further Capital and for other purposes. [18th August 1882.]

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WHEREAS by the Wrexham Mold and Connah's Quay Railway Act 1862 (herein-after called "the Act of 1862") the Wrexham Mold and Connah's Quay Railway Company (herein-after called "the Company") were incorporated with a capital of one hundred and fifty thousand pounds and power to borrow not exceeding fifty thousand pounds and were authorised to make and maintain 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 near Wrexham Station and with the Chester and Mold Branch of the Chester and Holyhead Railway near Hope Station and by subsequent Acts the powers of the Company have been extended:

25 & 26 Vict. c. ccxxi.

And whereas by the Buckley Railway Act 1860 (herein-after called the Act of 1860) the Buckley Railway Company (herein-after called "the Buckley Company") was incorporated and authorised to make railways from Buckley to Connah's Quay in the county of Flint to connect with the Chester and Holyhead Railway and by subsequent Acts the powers of the Buckley Company have been extended:

23 & 24 Vict. c. lxxxix.

And whereas by the Wrexham Mold and Connah's Quay Railway Company's Act 1873 the undertaking of the Buckley Company was vested by way of lease for a term of one thousand years from the thirtieth day of June one thousand eight hundred and seventy-three in the Company in the manner therein provided:

36 & 37 Vict. c. ccxxxii.

And whereas it is expedient that the Company be empowered to extend their railways and to make and maintain the roads streets and other works and acquire the lands herein-after described:

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And whereas it is expedient that the works by this Act authorised be with respect to capital revenue and outlay carried on as a separate and distinct undertaking of the Company:

And whereas it is expedient that the Company be authorised to demand and receive for and in respect of the use of their wharves and other works at Connah's Quay the tolls rates and charges herein-after mentioned and that other powers should be conferred upon the Company and regulations made with respect to those wharves and works as herein-after appearing:

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act:

And whereas plans and sections of the railways roads streets and other works authorised by this Act showing the lines and levels thereof respectively and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands in the line of the proposed works or within the limits of deviation as defined on those plans and plans of other lands by this Act authorised to be taken compulsorily with like books of reference thereto have been duly deposited with the respective clerks of the peace for the counties of Denbigh and Flint and those plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference:

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 as the Wrexham Mold and Connah's Quay Railway Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 16.

2. The following enactments (as far as the same respectively are applicable for the purpose of and not varied by or inconsistent with this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869;

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the matters following (that is to say) the distribution of the capital of the Company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture

of shares for non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the general meetings of the Company and the exercise of the right of voting by the shareholders the making of dividends the giving of notices and the provision to be made for affording access to the special Act;

The Railways Clauses Consolidation Act 1845; — 8 & 9 Vict. c. 20.

Part I. of the Railways Clauses Act 1863 relating to the construction of a railway; — 26 & 27 Vict. c. 92.

Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares additional capital and debenture stock. — 26 & 27 Vict. c. 118.

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 thereto.

The expression "the Company" means the Company incorporated by the Act of 1862; the expression "the railways" means the railways by this Act authorised; and 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.

In this Act the expression "works and premises of the Company" or any expression having a similar meaning does not include any part of the undertaking of the Buckley Company.

Power to make works.

4. 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 railways roads streets and other works herein-after described 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 railways herein-before referred to and authorised by this Act are:—

1. A railway (No. 1) 7 furlongs 3·4 chains in length commencing in the township of Esclusham Below in the parish of Wrexham in the county of Denbigh near a messuage or dwelling-house called or known by the name of "the Old

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Vicarage" and terminating by a junction with the Company's railway at or near the carriage shed of the Company in the township of Stansty in the parish of Wrexham;

2. A railway (No. 2) 2 miles 1 furlong 3·5 chains in length commencing in the township of Stansty in the parish of Wrexham in the county of Denbigh by a junction with the Company's railway there and terminating in the township of Broughton in the parish of Wrexham in a field belonging or reputed to belong to the Broughton Colliery Company Limited and in the occupation of the Broughton and Plaspower Colliery Company Limited;

3. A railway (No. 3) 1 mile 2 furlongs 5·4 chains in length commencing in the township of Broughton in the parish of Wrexham in the county of Denbigh by a junction with Railway No. 2 at the termination of that railway and terminating in the township of Brymbo in the parish of Wrexham by a junction with the Wrexham and Minera Joint Lines belonging to the London and North-western and Great Western Railway Companies;

4. A railway (No. 4) 1 mile 5 furlongs 4·5 chains in length commencing in the township of Brymbo in the parish of Wrexham in the county of Denbigh by a junction with Railway No. 3 in a field in the occupation of the Brymbo Company and terminating in the township of Bersham in the parish of Wrexham in the county of Denbigh in a field belonging or reputed to belong to Ann Williams and in the occupation of Samuel Williams;

5. A railway (No. 5) 1 furlong 9·75 chains in length commencing in the township of Broughton in the parish of Wrexham in the county of Denbigh by a junction with Railway No. 2 at the termination of that railway and terminating in the same township and parish by a junction with the Wrexham and Minera Branch of the Great Western Railway;

6. A railway (No. 6) 4 furlongs 5·8 chains in length commencing in the township of Broughton in the parish of Wrexham in the county of Denbigh by a junction with the Brynmally Branch of the Company's railway and terminating in the township of Gwersyllt in the parish of Gresford in the county of Denbigh on the bank of No. 5 pit belonging to the Westminster Brymbo Coal and Coke Company Limited;

The railways herein-before described and numbered respectively 1 to 6 inclusive will be made or pass from in through or into the several parishes townships extra-parochial and other places following or some of them (that is to say) Esclusham Below

Wrexham Regis Wrexham Abbott Wrexham Bersham Brymbo Broughton Stansty Gwersyllt Gresford Minera all in the county of Denbigh :—

7. A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 8) 3 furlongs 6·6 chains in length commencing in the township of Hope Owen in the parish of Hope in the county of Flint by a junction with the Company's railway at or near the signal box at the Penyffordd Station and thence passing from in through or into the several parishes townships extra-parochial or other places following or some or one of them (that is to say) Hope Hope Owen Higher Kinnerton Hawarden Doddleston Shordley Mold Aston Bannel or Bannel and terminating in the said township of Hope Owen and parish of Hope by a junction with the Chester and Mold Branch of the London and North-western Railway ;

8. A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 9) 1 mile 4 furlongs 1·75 chains in length commencing in the township of Wepre in the parish of Northop in the county of Flint by a junction with the Buckley Railway and terminating in the township of Saltney in the parish of Hawarden in the county of Flint in a field called "The Nine Acre Field" situate between the River Dee and the Chester and Holyhead Branch of the London and North-western Railway ;

9. A railway (being a portion of the railway distinguished on the deposited plans and sections and in this Act referred to as Railway No. 11) 6 furlongs 2·7 chains in length commencing in the township of Saltney in the parish of Hawarden in the county of Flint by a junction with Railway No. 9 at the termination of that railway and terminating in the township of Wepre in the parish of Northop at a point on the deposited plans 6 furlongs 2·7 chains measured along the centre line of the railway now in description from the commencement thereof ;

10. A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 13) 1 furlong 6·4 chains in length commencing in the township of Shotton in the parish of Hawarden in the county of Flint in an inclosure or garden adjoining the turnpike road leading from Flint to Chester by a junction with the intended Railway No. 9 and terminating in the township of Saltney in the parish of Hawarden by a junction with the Chester and Holyhead Branch of the London and North-western Railway ;

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The railways herein-before described and numbered on the deposited plans 9 11 and 13 respectively will be made or pass from in through or into the several parishes townships extra-parochial and other places following or some of them (that is to say) Wepre Northop Sealand Golftyn Shotton Aston Hawarden Saint Mark's Caerfellach Connah's Quay Open or Salt Marsh Saltney all in the county of Flint :—

The roads streets and other works herein-before referred to and authorised by this Act are—

A new street situate wholly in the town and borough of Wrexham commencing by a junction with Abbot Street at or near the entrance to the Old Vicarage from Abbot Street and terminating by a junction with Priory Street at or near the junction of Priory Street with Brynyffynnon Hill;

The widening of a street in the town and borough of Wrexham called Vicarage Hill on the westerly side thereof from the junction of Vicarage Hill with Brook Street to the junction of Vicarage Hill with Abbot Street;

The widening of a street in the town and borough of Wrexham called Priory Street on the easterly side thereof from the junction of Priory Street with Brynyffynnon Hill to the junction of Priory Street with Hope Street;

The widening of a street in the town and borough of Wrexham called Abbot Street at the north-easterly corner thereof where that street joins a street called Town Hill;

The streets and street widenings before described will be situate in pass from through or into the parishes townships extra-parochial and other places following or some of them (that is to say) Wrexham Wrexham Abbott Wrexham Regis and Esclusham Below all in the county of Denbigh :—

A new road situate wholly in the township of Stansty in the parish of Wrexham in the county of Denbigh commencing at the junction of the road leading from Wrexham to Stansty with the road leading from the last-mentioned road to the Chester Road and terminating by a junction with the public road leading from Stansty to Gresford and Rhos Robin;

An alteration of the line and levels of so much of the road leading from Northop to Hawarden which is carried over the Buckley Railway by means of a bridge as lies between a point one hundred yards or thereabouts measured along that road in an easterly direction from the centre of that bridge and a point one hundred yards or thereabouts measured in a westerly direction from the centre of that bridge situate in the parish of

Northop in the county of Flint and the raising widening and improvement of that bridge;

An alteration of the line and levels of so much of the road leading from Flint to Chester as lies between a point measured sixty yards or thereabouts in a south-easterly direction from the centre of the bridge which carries that road over the branch of the Buckley Railway which joins the Chester and Holyhead Branch of the London and North-western Railway and a point sixty yards or thereabouts measured in a north-westerly direction from the centre of that bridge situate in the parish of Northop aforesaid and the raising widening and improvement of the bridges which carry that road over the Buckley Railway.

Power to make accessory works.

5. The Company may from time to time make and maintain in connexion with the above-mentioned works or any or either of them all necessary and convenient stations gates approaches transit sheds bonding or other warehouses sheds quays wharves wharf walls river walls embankments jetties groynes shipping places staiths stairs stages tramways sidings junctions machinery cranes drops dolphins moorings buoys beacons and other works and conveniences.

Power to stop up roads, &c.

6. Subject to the provisions of this Act the Company may stop up and discontinue the roads streets and public ways and sites of intended roads streets and public ways herein-after mentioned respectively (that is to say):

A newly formed or partly formed street in the said town and borough of Wrexham called or intended to be called Saint Mark's Street from its junction with Bradley Road to its junction with a proposed new street forming an extension or continuation of Hill Street;

A newly formed or partly formed street in the town and borough of Wrexham forming an extension or continuation of Hill Street from a point in Hill Street at or near the school belonging to the Hill Street Presbyterian Chapel to a point sixty yards or thereabouts measured in a north-easterly direction from the Mitre Brewery;

A passage or thoroughfare in the town and borough of Wrexham known as Brynyffynnon Hill;

A public footpath called "The Walks" situate in the town and borough of Wrexham from a point near to a house called "Well House" to a point where that footpath joins Bradley Road;

So much of the public road in the township of Stansty in the parish of Wrexham leading from Stansty to Gresford and Rhos

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Robin as lies between a point on that road fifteen yards or thereabouts measured in a north-easterly direction along that road from the point where that road is crossed by the Great Western Railway on the level and a point on that road forty yards or thereabouts measured in a south-westerly direction along that road from a point where that road is crossed by the Company's railway on the level:

Provided that the said roads streets and public ways respectively shall not be stopped up until the new roads and streets authorised by this Act and substituted for and in lieu thereof respectively are opened for traffic.

Site of ways stopped up to vest in Company.

7. The site and soil of the roads streets and public ways or intended roads streets and public ways by this Act authorised to be stopped up and discontinued (except the site and soil of Saint Mark's Street) and the fee simple and inheritance thereof shall when and as soon as the new roads and streets authorised by this Act and substituted for and in lieu of the roads streets and public ways authorised to be stopped up respectively are opened for traffic be vested in the Company so far as the Company are the owners of the lands on both sides thereof at the time of the stopping up of such roads streets and public ways respectively and all rights of way over or along such several roads streets or public ways or portions thereof and over any of the lands which shall be acquired under the compulsory powers of this Act shall be and the same are as from the stopping up or acquisition thereof respectively by this Act extinguished.

Limits of deviation.

8. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works other than the railways as shown on the said sections to any extent not exceeding five feet upwards and ten feet downwards.

Notice as to taking houses of the labouring classes.

9. The Company shall not less than eight weeks before they take in any one town or parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as lodgers or tenants make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Provision as to accommodation for persons belonging to the labouring classes.

10. And whereas the construction of the works and the acquisition and appropriation by the Company of lands houses and buildings as by this Act authorised may involve a removal of some houses occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers and it is expedient that provision should be made for the accommodation of such of the before-mentioned persons as may be displaced by such removal:

Therefore before displacing any such person as aforesaid the Company shall provide sufficient accommodation elsewhere unless the Company and such person otherwise agree Provided always that if any difference arise as to the sufficiency of the accommodation proposed to be so provided by the Company the same shall be determined by a justice.

The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and buildings.

Power to take easements &c. by agreement.

11. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release 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 required for the purposes of this Act not being an easement of water 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.

For protection of London and North-western Railway Company.

12. In constructing the railways by this Act authorised the Company shall conform to the following provisions for the protection of the London and North-western Railway Company (in this section called "the North-western Company"):—

1. The junction of Railway No. 8 with the Chester and Mold Branch of the London and North-western Railway shall unless otherwise agreed between the Company and the North-western Company be at the point of junction as shown on the deposited plans and the Company shall not unless with the consent of the North-western Company under their common seal deviate from the line or levels of the said Railway No. 8 as shown on the said plans;
2. Railway No. 9 shall be carried over the Chester and Holyhead Railway of the North-western Company by means of a girder

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bridge of not less span than fifty feet measured at right angles to such railway and with a clear headway of not less than fifteen feet above the level of the rails thereof. And further the Company shall make such provision by means of arches or culverts for the side drains on each side of the railway as shall be reasonably required by the principal engineer for the time being of the North-western Company Provided always that if at any time hereafter the North-western Company shall so require and shall give notice in writing to the Company the Company shall at their own expense within twelve months of the receipt of such notice alter and reconstruct and thereafter maintain the said arches or culverts or either of them as the North-western Company shall require as girder bridges so that the same shall be of a span of not less than twenty-five feet and of a clear height throughout of not less than fifteen feet above the said rail level;

3. The Company shall at all times maintain the said bridge and other works by which the Railway No. 9 shall be carried over the Chester and Holyhead Railway and any works to be constructed in pursuance of the preceding sub-section in substantial repair and good order and condition to the reasonable satisfaction in all respects of the chief engineer for the time being of the North-western Company and if and whenever the Company fail so to do the North-western Company may make or do in and upon their own lands as well as on the lands of the Company all such works and things as the North-western Company reasonably think requisite in that behalf and the sum from time to time reasonably expended in that behalf shall be repaid to them by the Company and in default of payment may be recovered with full costs in any court of competent jurisdiction;

4. The junction of Railway No. 13 with the Chester and Holyhead Railway of the North-western Company shall be by a single line connecting only with the down or southernmost line of rails of the said Chester and Holyhead Railway and shall be constructed according to plans and sections to be approved by the engineer of the North-western Company and at such point as he shall determine. The North-western Company shall also consent to a junction with the up or northernmost line of rails of the said Chester and Holyhead Railway such junction to be at a point to be agreed upon between the principal engineers of the North-western Company and the Company or determined by arbitration as

herein-after provided and to be constructed along the north side of that railway so as to form a junction with the proposed Railway No. 11;

Both junctions shall be provided with such catch sidings as shall be reasonably required by the principal engineer of the North-western Company the points or switches of which shall be under the control of the signalmen to be appointed by the North-western Company at the respective junctions;

5. Nothing in this Act contained shall authorise the Company in any way to alter the line of the turnpike road leading from Flint to Chester, nor shall they raise the levels of the said road to a greater extent than two feet opposite the junction therewith of the private approach road to the Connah's Quay Station of the North-western Company and the Company shall raise the said approach road to meet the altered level of the said turnpike road at such point of junction and that without altering or increasing the gradient of such approach road and they shall restore and re-metal the same in all respects as at present and shall for the period of twelve months after such alteration maintain the altered portion thereof to the satisfaction of the principal engineer of the North-western Company. Any alteration of the said turnpike road or of the said approach road shall be completed within three months from the commencement thereof and the Company shall not interfere with either of the said roads so as to interrupt or obstruct the access to the said Connah's Quay Station until they have provided a substituted road or means of access thereto to the reasonable satisfaction of the said principal engineer of the North-western Company;

6. The Company shall bear and on demand pay the North-western Company all reasonable expenses of the employment by them during the construction of the works affecting their railways or property of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways and property with reference to and during the execution of such works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

7. If by reason of any works or proceedings of the Company there shall be any obstruction or interference so as to impede

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or prevent the convenient passage of engines carriages or waggons along the railways of the North-western Company the Company shall pay to that company the sum of one hundred pounds by way of ascertained damages for every hour during which any such interference or obstruction shall continue and if any interruption shall be occasioned to such traffic the Company shall in addition to the penalty last provided for on demand pay to the North-western Company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the North-western Company in any court of competent jurisdiction;

8. The Company shall from time to time be responsible for and make good to the North-western Company all costs losses damages and expenses from time to time occasioned to that company or to any of their works or property or to the traffic on their railway or to any company or person using the same or otherwise by reason of the execution or failure of any of the works of the Company or incidental thereto or by reason of any act or omission of the Company or any of the persons in their employment or their contractors or others and the Company shall effectually indemnify and hold harmless the North-western Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission as aforesaid;

9. The Company shall not without in every case the previous consent of the North-western Company in writing under their common seal take use enter upon or interfere with any of the lands from time to time belonging to or in the possession of or under the power of that company except only such part or parts of their lands as it shall be necessary for the Company to take use enter upon or interfere with for the purpose of making and maintaining the works by which the Railway No. 9 is according to this Act to be carried over the Chester and Holyhead Railway and lands adjoining thereto and for the purpose of making the junction of Railway No. 8 with the Chester and Mold Railway and for the said junctions with the Chester and Holyhead Railway and with respect to such lands which it will be necessary for the Company so to take use enter upon or

interfere with the Company shall not purchase or take the same but the Company may purchase and take and the North-western Company may and shall sell and grant accordingly an easement or right of using the same for the purposes aforesaid;

10. Any difference which may arise between the Company and the North-western Company under this section shall unless otherwise agreed be from time to time determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859. 22 & 23 Vict. c. 59.

Protection of works and property of the Wrexham Waterworks Company.

13. 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 lands or property at any time or times belonging to or used or occupied by the Wrexham Waterworks Company or any of the works of such 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 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 lands or property or interference with any works lands or conveniences connected therewith and if any such injury shall arise to any such mains pipes works conveniences lands or property or interference with the construction laying down execution repair renewal or use of any works of the said Wrexham Waterworks Company the Company shall make full compensation to the said waterworks company in respect of any such injury or interference 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.

Protection of works and property of the mayor aldermen and burgesses of the borough of Wrexham.

14. For the protection of the mayor aldermen and burgesses of the borough of Wrexham (herein-after called "the Corporation") the following provisions shall have effect (that is to say):

1. Any works to be constructed laid down or executed by the Company in exercise of the powers conferred by this Act and all repairs or renewals thereof in any way affecting any sewers pipes works lands or property now or at any time hereafter belonging to or used or occupied by the

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Corporation shall be done under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the Corporation and according to plans and at such times as shall be reasonably approved by him before any such works are begun except in cases of emergency but in all things at the expense of the Company and so as to cause no injury to any such mains pipes works lands or property or interference with any works or conveniences connected therewith;

2. In case of injury to any sewers pipes works conveniences lands or property of the Corporation or interference with the construction laying down execution repair renewal or use of any works of the Corporation the Company shall make full compensation to the Corporation in respect of any such injury or interference or the construction of any new sewers in consequence thereof the amount of such compensation to be recoverable with full costs by the Corporation from the Company by all and the same means as any simple contract debt is or may be recoverable.

Protection of works and property of the Wrexham Gaslight Company.

15. 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 works apparatus mains pipes lands or property at any time or times belonging to or used or occupied by the Wrexham Gaslight Company or any of the works of such gaslight company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said gaslight company and according to plans and at such times as shall be reasonably approved by him before any such works 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 works apparatus mains pipes lands or property or interference with any works or conveniences connected therewith or with the supply of gas by the said gaslight company to any part of their district and if any such injury shall arise to any such works apparatus mains pipes works conveniences lands or property or interference with the construction laying down execution repair renewal or use of any works of the said Wrexham Gaslight Company or if the supply of gas be interfered with or leakage of gas be occasioned the Company shall make full compensation to the said gaslight company in respect of any such

injury or interference the amount of such compensation to be recoverable with full costs by the said gaslight company from the Company by all and the same means as any simple contract debt is or may be recoverable.

For protection of Great Western Railway Company.

16. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say):—

(1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for twenty-one days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed by the Board of Trade;

(2) In constructing the Railway No. 1 by this Act authorised through or under the land and property of the Great Western Company the Company shall not deviate in a northerly direction from the centre line shown on the deposited plans where that railway passes under the railway of the Great Western Company to a greater extent than twenty yards without the previous consent in writing of that company under their common seal and the said Railway No. 1 where the same is intended to cross under the main line of the Great Western Railway shall be carried under that railway and works by means of a bridge of sufficient width to carry five lines of rails and the said Railway No. 2 shall also be carried under the Great Western Company's Moss Valley Branch by means of a bridge of sufficient width to carry one line of rails and shall also be carried under the Great Western Company's Wrexham and Minera Branch by means of a bridge of sufficient width to carry two lines of rails and the said Railway No. 3 shall also

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be carried under the said Wrexham and Minera Branch by means of a girder bridge of sufficient width to carry the existing lines of rails and sidings and such crossing of the said railways respectively shall be effected in such a manner as not to injure the stability of the said railways and works respectively in any way whatever;

(3) If at any time or times hereafter the Great Western Company shall find it necessary to lay down two extra lines of rails at the crossing of their railway by Railway No. 1 or one extra line of rails at the crossing of their Moss Valley Branch Railway by Railway No. 2 or an extra line of rails at the crossing of their Wrexham and Minera Railway by Railway No. 2 then the Company shall at the request of the Great Western Company at the cost charges and expenses of the Company widen the bridges respectively so as to admit of such extra line or lines respectively being laid down thereon by the Great Western Company;

(4) Should the Great Western Company at any time hereafter deem it necessary to widen the bridges by which their railways or any of them are to be carried over the railways or any of them of the Company they may construct all necessary works for and widen such bridges respectively whether upon their own lands or the lands of the Company without paying any easement or acknowledgment for the same;

(5) The Company shall bear and on demand pay to the Great Western Company the reasonable expenses of the employment by them during the making of the Railways Nos. 1 2 3 and 5 under and adjacent to the railways of the Great Western Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the said railways and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise;

(6) The bridges constructed by the Company and the works connected therewith for carrying the Railways 1 2 and 3 under the railways of the Great Western Company herein-before referred to shall from and after the completion and subject and without prejudice to the duty and obligation of the Company for ever thereafter at their own expense to uphold and maintain the same respectively in good and sufficient repair be the

property of the Great Western Company and be deemed part of the structure of their railway;

(7) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their said railways respectively or to any company or persons using the same or otherwise during the execution or renewal or by means of the failure of any of the intended works by any act default or omission of the Company or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and damages upon or against them by reason of such execution or failure and of any such act default or omission;

(8) The Company shall at their sole expense and at all times maintain the bridges and other works constructed by them by which the Railways Nos. 1 2 and 3 shall be carried under the aforesaid railways of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer for the time being of the Great Western Company and if and whenever the Company fail through their own default so to do after one month's notice from the Great Western Company for that purpose or in case of urgency without any notice being required the Great Western Company may make and do in and upon as well the land of the Company as their own land all such works and things as the Great Western Company shall think requisite in that behalf for insuring such repairs and the sum from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction;

(9) In constructing and maintaining the Railways Nos. 1 2 3 and 5 by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the said railways of the Great Western Company or either of them and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railways or either of them so as to impede or prevent the convenient passage of engines and carriages along the same the

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Company shall pay to the Great Western Company the sum of one hundred pounds per day for each railway during which any such obstruction shall continue;

(10) Except for the purposes of crossing under the railways of the Great Western Company and for the junction of Railway No. 5 with the railway of the Great Western Company (which junction or the substituted junction herein-after referred to are to be maintained and worked at the expense and risk of the Company) and for sidings at or near the termination of Railway No. 2 the Company shall not take or acquire any rights over any land of the Great Western Company and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railways or either of them of that company or with any of the works thereof further or otherwise than is necessary for the construction of the said crossings and junction without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and take and the Great Western Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the Great Western Company may at any time or times hereafter should it be necessary for them to do so alter or remove the junction by this Act authorised of the Railway No. 5 with their railway and substitute a new junction or junctions as the case may be therefor but so as such alteration or removal or substituted junction or junctions as the case may be shall not stop the traffic of the railway or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith;

(11) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in

case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers. The costs of the arbitration to be in the discretion of such arbitrator.

Separation of capital.

17. The capital to be raised under this Act for the purposes of the works by this Act authorised shall be and form a separate and distinct capital from the existing capital of the Company.

Provisions as to separate capital.

18. The following enactments with regard to the separate capital to be raised under this Act shall have effect (that is to say) :

(1) The gross receipts arising from the railways and works by this Act authorised shall after the payment of a sum of fifty-five per centum for working expenses be applied in the first instance in payment of the interest on all mortgages and debenture stock granted by the Company under the powers of this Act and in the next place in the payment of dividends on the shares and stock by this Act authorised to be raised ;

(2) All mortgages and debenture stock granted by the Company under the powers of this Act shall be charged only upon the receipts and revenues of the works authorised by and of the lands purchased under this Act and shall not be a charge upon any other part of the undertaking of the Company or the receipts or revenues thereof ;

(3) The works authorised by and the lands purchased under this Act and the revenues arising therefrom shall not be liable for any mortgage or debenture stock or debt or other charge upon any other part of the undertaking of the Company or for the payment of interest thereon ;

(4) Separate accounts shall be kept of the capital and revenue to be derived from the works authorised by and the lands purchased under this Act and of the payments made in respect thereof.

(5) After the opening of the railways and works by this Act authorised or any part thereof for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develope the traffic of the district to be served thereby In case any difference shall arise between the Company and the holders of stock or shares representing one-tenth at least in value in the separate capital with respect to the apportionment of receipts from traffic passing to and from the railways and works by this Act authorised and the other railways and works of the Company or the working or non-working or insufficient working by the Company of the railways and works by this

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Act authorised or any part thereof or otherwise in relation thereto whereby the holders of those shares or stock deem themselves to be injuriously affected that difference shall be settled by an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and that arbitrator shall have full power to settle and determine any such difference as aforesaid and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just;

(6) Notice of this section shall be endorsed on all mortgages and on all debenture stock share and stock certificates granted created or issued by the Company in pursuance or under the powers of this Act.

Additional capital.

19. In addition to such share capital as the Company are for the time being authorised to raise independently of this Act they may from time to time raise additional capital for the purposes of the separate undertaking by this Act authorised not exceeding two hundred and seventy thousand pounds.

Mode of raising additional capital.

20. The additional share capital by this Act authorised to be raised by the Company shall be raised by the creation and issue at the option of the Company of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any one share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth the amount of the share has been paid in respect thereof.

Calls.

21. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and four-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

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

Power to divide shares.

23. 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 by this Act authorised 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.

24. 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 six 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.

Dividends on preferred half shares.

25. 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.

Registration of half shares.

26. 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 the certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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Terms of issue to be stated on certificates.

27. 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.

Forfeiture of preferred half shares.

28. 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 of the Company 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.

Preferred half shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

30. 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.

Power to borrow.

31. The Company may in respect of the additional capital of two hundred and seventy thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole ninety thousand pounds in manner following (that is to say) in respect of each sum of ninety thousand pounds of the said additional 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 additional 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 of such portion of capital 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 shares for the whole of such respective portion of capital as is to be raised by shares have 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 respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance

thereof and until stock for one-half of so much of the respective portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares 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 certificate shall be sufficient evidence thereof.

For appointment of receiver.

32. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal or principal and interest due on their respective 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.

33. 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 created and issued or granted by the Company in respect of the separate undertaking by this Act authorised 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 resolutions or Acts of Parliament by which the same were authorised and shall have priority over all principal moneys secured by those mortgages.

Application of capital.

34. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only.

Lands for extraordinary purposes.

35. 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 five acres and for the erection of warehouses sheds or buildings cranes and other works and conveniences the Company may by agreement take additional land not exceeding ten acres.

Power to take additional lands.

36. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to take may from time to time enter upon take use and appropriate to the

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purposes of extending their stations sidings and other works and conveniences for the accommodation of their traffic and for other purposes of their undertakings all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):

Certain lands in the township of Stansty in the parish of Wrexham in the county of Denbigh lying on the south-westerly side of the Company's railway at or near the point where the public highway leading from Stansty to Gresford and Rhos Robin is crossed by the Company's railway and the Great Western Railway on the level;

Certain lands in the township of Gwersyllt in the parish of Gresford in the county of Denbigh lying on the west side of the Company's railway between the junction of the Ffrwdd Branch of the Company's railway with the main line and the junction of the Company's railway with the branch railway leading to the Gwersyllt Colliery;

Certain lands in the parish of Northop in the county of Flint lying on the west side of the Buckley Railway and on the south side of the Flint and Chester turnpike road near the point where that road crosses the branch of the Buckley Railway leading to the Chester and Holyhead Branch of the London and North-western Railway by means of a bridge;

Certain lands in the said parish of Northop lying between the north side of the turnpike road leading from Flint to Chester and the branch of the Buckley Railway which joins the Chester and Holyhead Branch of the London and North-western Railway;

Certain lands in the said parish of Northop on the west side of and adjoining the Buckley Railway and on the north side of and near the point where the road leading from Northop to Hawarden is carried over that railway by means of a bridge.

Periods for compulsory purchase of lands.

37. 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 the following periods (that is to say):

(*a*) As regards lands required for the purposes of the railways three years from the passing of this Act; and

(*b*) As regards lands required for other purposes five years from the passing of this Act.

Periods for completion of works.

38. If the railways by this Act authorised are not completed within five years from the passing of this Act or if the other works by this Act authorised be not completed within eight years from the passing of this Act then on the expiration of those

respective periods the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Railway deposit fund not to be repaid save so far as railways 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 twenty nineteen thousand one hundred and eighty-eight pounds fourteen shillings and ninepence consolidated three pounds per cent. annuities (whereof a part namely twelve thousand eight hundred and twenty-eight pounds ten shillings like annuities represents five per centum upon the amount of the estimate in respect of the railways shown upon the deposited plans and sections and the remainder six thousand three hundred and sixty pounds four shillings and ninepence like annuities represents four per centum upon the amount of the estimate in respect of the works other than the railways shown upon the deposited plans and sections) has been transferred to the account of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act And whereas since the said stock was transferred as aforesaid the estimate of expense of the railways authorised by this Act has by the abandonment of a portion of the railways comprised in the Bill for this Act been reduced to one hundred and ninety-one thousand five hundred and forty-seven pounds three shillings and sevenpence five per centum upon which at the price at which the stock was purchased is equal to nine thousand five hundred and seventy-seven pounds seven shillings and sixpence consolidated three pounds per cent. annuities Be it enacted that notwithstanding anything contained in the said recited Act nine thousand five hundred and seventy-seven pounds seven shillings and sixpence consolidated three pounds per cent. annuities (herein-after referred to as the railway deposit fund) part of the said nineteen thousand one hundred and eighty-eight pounds fourteen shillings and ninepence consolidated three pounds per cent. annuities 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 railways hereby authorised to be made open the railways for public use Provided that if within such period as aforesaid the

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Company open any portion of the said railways for public use then on production of a certificate of the Board of Trade specifying the length of the portion of the railways so opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways hereby authorised the Chancery Division shall on the application of the depositors or the majority of them order the said portion of the railway deposit fund so specified in such certificate as aforesaid 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 facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of railway deposit fund.

40. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same for public use then and in every such case the railway 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 railways 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 railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway 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 of 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 A.D. 1882.
Provided that until the railway 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.

Application of balance of deposit.

41. On the application of the depositors by petition in a summary way at any time after the passing of this Act the court may and shall order that nine thousand six hundred and eleven pounds seven shillings and threepence consolidated three pounds per centum annuities (being the balance of the said nineteen thousand one hundred and eighty-eight pounds fourteen shillings and ninepence like annuities after deducting therefrom the said nine thousand five hundred and seventy-seven pounds seven shillings and sixpence like annuities) and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Tolls on railways.

42. Subject to the provisions in this Act contained the Company may demand and receive for and in respect of the Railways Nos. 1 to 6 inclusive and Railway No. 8 by this Act authorised the same tolls rates and charges as they are now empowered to receive in respect of their railway under and by virtue of the Act of 1862 and all the clauses and provisions relating to tolls and charges in that Act shall apply to those railways and for and in respect of the Railways Nos. 9 11 and 13 by this Act authorised the same tolls rates and charges as they are empowered to receive under and in respect of the Buckley Railway by virtue of the Act of 1860 and the Buckley Railway (Additional Powers) Act 1866 and all the clauses and provisions relating to tolls and charges for the use of the railways contained in those Acts shall apply to Railways Nos. 9 11 and 13 authorised by this Act.

29 & 30 Vict. c. xli.

Classification table to be open to inspection and copies to be sold.

43. 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 railways 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 or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

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

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carried over the railways render an account to the person 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 railways shall be distinguished from the terminal charges 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.

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

36 & 37 Vict. c. 48.

Tonnage rates on vessels using works of Company.

44. It shall be lawful for the Company to demand and receive for every steam or other vessel which shall moor alongside or receive or deliver passengers animals goods or minerals at or upon or otherwise use any of the wharves or other works of the Company at Connah's Quay any sum for every ton register measurement of that vessel not exceeding twopence.

Tonnage rates on vessels payable by master of vessel.

45. All tonnage rates on vessels by this Act authorised to be levied shall be payable by the master of the vessel liable thereto.

Rates on goods and animals.

46. It shall be lawful for the Company to demand and take on all goods and animals which shall be landed at or deposited upon or carried over any of the works or premises of the Company or exported to parts beyond the seas or coastwise from any of the works or premises of the Company any sums not exceeding the several sums set forth in the schedule to this Act annexed so far as those goods are particularised in that schedule and in so far as those goods are not particularised in that schedule such reasonable rates as the Company may think fit and every rate shall be payable by the owner of such goods.

Rates for passengers.

47. It shall be lawful for the Company to demand and take for every passenger embarking or disembarking in or from any vessel at or upon any of the works or premises of the Company any sum not exceeding sixpence.

Rates to be charged for use of cranes weighing machines &c.

48. In addition to the dues tolls rates and charges by this Act authorised it shall be lawful for the Company to demand for the use of their stores sheds cranes drops staiths shipping machines machinery and weighing and measuring machines and also for the landing shipping or moving by the Company or their servants of

any goods articles or things of and from the owner or person having the charge of any goods articles or things deposited in those stores or sheds or loaded or unloaded weighed or measured by means of those cranes drops staiths shipping machines machinery and weighing and measuring machines or shipped by the Company or their servants such reasonable rates as the Company may from time to time appoint.

Power to charge for disembarking shipping and warehousing of goods.

49. It shall be lawful for the Company to make such reasonable charge as they think fit for work and labour done by them for shipping unshipping landing relanding loading unloading weighing and depositing in warehouses or stores on any of the works or premises of the Company all or any of the goods wares and merchandise whatsoever which shall be shipped or landed at or shall be warehoused or stored upon the wharves works or premises of the Company and may recover such charges in the same manner and by the same means as other rates tolls and duties by this Act imposed are or shall be recoverable.

Power for Company to recover tolls rents or charges for goods by sale &c.

50. If default be made in payment to the Company of any toll rate rent or charge with respect to any goods at on or in the quays wharves yards warehouses or other works of the Company the Company (first paying the customs duties and inland revenue duties if any due and payable thereon) may detain and sell the goods or any part thereof and after retaining the amount so paid may retain for themselves the tolls rates rents or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the tolls rates rents charges and expenses due and payable to them or the balance thereof in any court of competent jurisdiction.

Restrictions as to time of sale by Company for recovery of charges.

51. Provided that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of two months after the time at which the goods are unshipped or delivered at their wharves quays yards warehouses or other works or premises.

Sale of perishable goods for freight.

52. The Company may if they think fit (first paying the customs duties and inland revenue duties payable thereon) sell any goods of a perishable nature deposited and lodged with them at any time

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when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the nonpayment of freight claimed on the goods or notice to retain the same.

Application of proceeds of sale of perishable goods for freight.

53. When the Company so sell any perishable goods they shall apply the proceeds of the sale so far as they suffice in the first place in payment of the tolls rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale including the customs duties and inland revenue duties paid or payable on such goods rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Custom house officers to have free access to wharves &c.

54. All officers of customs being in execution of their duty shall have free ingress and egress into and out of the wharves and all other the works and premises of the Company.

For protection of Buckley Company.

55. The following provisions for the protection of the Buckley Company shall have effect (namely)—

1. Nothing in this Act contained shall in anywise impair or affect the security preference and priority of the Buckley Company in respect of the rent and interest payable to them by the Wrexham Mold and Connah's Quay Railway Company's Act 1873 or any right or remedy of the Buckley Company in respect of such rent and interest but such security preference priority and all such rights and remedies shall continue and may be put in force as fully and effectually as if this Act had not been passed;
2. Nothing in this Act contained shall authorise the Company to acquire otherwise than by agreement any lands or any interest in lands belonging to the Buckley Company and all works executed by the Company on lands belonging to or acquired from the Buckley Company shall be executed by and at the sole expense of the Company;
3. Nothing in this Act contained shall be deemed or taken directly or indirectly to authorise any alteration of the tolls rates and charges demandable under the Buckley Railway Act 1860 or in anywise to abridge or prejudicially affect any property rights privileges exemptions or powers of the Buckley Company.

For protection of traders colliery owners and

56. If and whenever any traffic arising on the Buckley Railway is consigned by way of the Buckley Railway for shipment or otherwise to the docks wharves quays and landing-places on the lands of the Buckley Company at Connah's Quay and is taken on

to any of the railways quays wharves or property of the Company then and in every such case no greater charge shall be made in respect of such traffic than could have been made if such traffic had been conveyed and accommodated solely on the railways docks wharves quays or landing-places of the Buckley Company.

others using the Buckley Railway.

57. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

58. Whereas all lands to the seaward of the lands by this Act authorised to be reclaimed now are below the line of ordinary high-water mark therefore if any lands to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed whether gradually or imperceptibly or otherwise so as to be above instead of below such line of ordinary high-water mark the Company shall not by virtue of the ownership of any lands which they are by this Act empowered to reclaim have any estate right or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible or has been either wholly or partially caused by the works by this Act authorised or otherwise but the right and title to the soil and freehold of such lands when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same and as if the same had continued as the same now is subject to the flow and reflow of the ordinary tides.

Saving of rights as to future accretions.

59. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said River Dee or of the sea beyond the mouth thereof belonging to Her Majesty shall be inned gained or reclaimed from the water the said Company shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so inned gained or reclaimed for any purpose

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

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whatsoever without the consent in writing of the Board of Trade on behalf of Her Majesty but such inning gaining or reclamation shall enure absolutely for the benefit of the Queen's Majesty Her heirs and successors.

Saving rights of the Crown in lands.

60. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving clause for River Dee Company.

61. Nothing in this Act contained shall in any way diminish take away alter prejudice or affect any right title estate or interest jurisdiction power franchise or royalty which the company of proprietors of the undertaking for recovering and preserving the navigation of the River Dee (in this Act referred to as the River Dee Company) may have or be entitled to at the time of the passing of this Act but all such rights title estate interest jurisdiction powers franchises and royalties shall continue to be held used and enjoyed by the River Dee Company as fully and freely as if this Act had not been passed.

Interest not to be paid on calls paid up.

62. 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.

63. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by the standing orders 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.

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Provision as to general Railway Acts.

64. Nothing in this Act contained shall exempt the Company or the railways by this Act authorised 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 hereafter pass during the present or any ensuing 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 obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of the moneys to be raised under the provisions of this Act.

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SCHEDULE referred to in the foregoing Act.

	s.	*d.*
For every ton of coals put on board any vessel - - -	0	2
For every ton of coke culm or cinders put on board any vessel - -	0	3
For every load of timber of whatever description each load containing fifty cubic feet received or delivered from any vessel - -	0	3
And in case such timber shall continue upon the wharves or premises of the Company for a longer period than fourteen days then for each week or part of a week beyond such fourteen days per load - -	0	3
For every ton weight of goods or merchandise of every other description received or delivered from any vessel - - - -	0	4
Or at the option of the Company for every ton measurement of such goods and merchandise each such ton measurement containing forty cubic feet - - - - - - - -	0	6
And for every package or parcel of goods less than a ton either of weight or measurement the same sum as is payable in respect of a ton.		
Horses per head - - - - - -	1	6
Oxen cows and bulls per head - - - - -	1	0
Ponies mules and asses per head - - - -	0	6
Calves and deer per head - - - - - -	0	2
Lambs sheep goats and pigs per head - - - -	0	1

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.