CHAPTER clxv.

A.D. 1884.

An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to construct a branch railway from the railway of the Cheshire Lines Committee at Chester to Connah's Quay and for other purposes.

[28th July 1884.]

WHEREAS the making and maintaining of the railways herein-after described would be a public and local advantage and the Manchester Sheffield and Lincolnshire Railway Company (herein-after called the Company) are willing at their own expense to carry the undertaking into execution and it is expedient that they be authorised so to do:

And whereas it is expedient that the Company should be empowered to raise further moneys for the purpose of the railways and the other purposes by this Act authorised and to subscribe and contribute moneys towards the construction of certain sidings quays and other works at Connah's Quay in the county of Flint being part of the undertaking of the Wrexham Mold and Connah's Quay Railway Company (in this Act called the Wrexham Company) authorised by the Wrexham Mold and Connah's Quay Railway Act 1882:

And whereas it is expedient that the Company be empowered to run over and use the railways and stations of the Wrexham Company:

And whereas it is expedient that provision should be made for empowering the Wrexham Company to run over and use the railways authorised by this Act in manner herein-after appearing:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the line and levels of the railways authorised by this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of the

A.D. 1884.

proposed work or within the limits of deviation as defined on the plans and describing those lands have been deposited with the respective clerks of the peace for the counties of Chester and Flint and which said plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

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 Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884.

Incorporation of Acts.

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 as amended by the Lands Clauses (Umpire) Act 1883:

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:

Part I. of the Railways Clauses Act 1863 relating to the construction of a railway:

Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares additional capital and debenture stock.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction and in and for the purposes of this Act the

expression "the railways" shall mean 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.

Power to make railways.

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 herein-after described with all necessary and convenient stations sidings approaches roads junctions works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are :—

A Railway (No. 1) 6 miles 6 furlongs and 9·40 chains in length commencing in the parish of Saint Oswald in the county of the city of Chester by a junction with the railway of the Cheshire Lines Committee and terminating in the parish of Hawarden in the county of Flint by a junction with Railway No. 11 authorised by the Wrexham Mold and Connah's Quay Railway Act 1882 :

A Railway (No. 2) 1 furlong 4·65 chains in length situate wholly in the said parish of Saint Oswald commencing by a junction with the railway of the Cheshire Lines Committee and terminating by a junction with the intended Railway No. 1.

As to construction of bridge over the Dee.

5. The bridge across the River Dee by this Act authorised shall be so constructed by the Company as to have a clear headway of fifteen feet above high water of ordinary spring tides and subject thereto shall be constructed in all other details as the Board of Trade shall previously approve of such approval to be signified in writing under the hand of the secretary or an assistant secretary of the Board of Trade : Provided that the Company shall submit plans and sections of the proposed bridge to the Board of Trade and shall before doing so give notice thereof to the mayor aldermen and citizens of the city of Chester the Great Western Railway Company and the company of proprietors of the undertaking for recovering and preserving the navigation of the River Dee (in this Act called the River Dee Company) and shall furnish to such of them as shall demand the same copies of those plans and sections and the approval of the Board of Trade shall not be given until after that Board has

A.D. 1884.

duly considered such objections as shall be submitted to that Board by the said bodies or any or either of them in such manner and within such time as that Board shall prescribe.

Plans of bridge over Dee to be deposited at Board of Trade.

6. Previously to commencing the bridge or the works connected therewith the Company shall deposit at the Board of Trade plans sections and working drawings of the said bridge and works connected therewith for the approval of that Board such approval to be signified in writing under the hand of the secretary or an assistant secretary of that Board and such bridge and works respectively shall be constructed only in accordance with such approval and when any such bridge or works shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval: And if such bridge or works shall be commenced or completed or be altered extended or constructed contrary to the provisions of this Act it shall be lawful for the Board of Trade to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

Lights to be shown at bridge.

7. During the construction of the bridge and works connected therewith the Company shall exhibit every night from sunset to sunrise lights to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels and for ever after the completion of the bridge the Company shall cause to be hung out or exhibited in a conspicuous situation on each side of the opening spans of the bridge every night from sunset to sunrise a good and sufficient light to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels which lights shall if necessary be from time to time altered by the Company in such manner and be of such description and be so used and placed as the Board of Trade shall by writing under the hand of a secretary or assistant secretary of the Board approve and in case the Company shall neglect to exhibit and keep any such light burning as aforesaid they shall for every such neglect be liable to a penalty not exceeding ten pounds.

Vessels not to be unnecessarily detained.

8. It shall not be lawful for the Company or any person or persons acting under them to detain at the said bridge any vessel barge or boat navigating the River Dee and having masts or chimneys from any cause not then capable of being lowered with

safety to the vessel or without risk of damage to the cargo and in case the Company or any person or persons acting under them shall wilfully or negligently detain any such vessel barge or boat contrary to the provisions of this Act or demand take or receive any toll for the passage of any person or persons vessel barge or boat through or under the said bridge the Company or every person so offending shall be liable to any penalty not exceeding the sum of ten pounds which penalty shall be recoverable by summary process in the manner directed by the Railways Clauses Consolidation Act 1845 for the recovery of penalties incurred by the Company but nothing in this Act shall prevent any remedy for damages which any party may sustain in respect of any such detention as aforesaid: Provided always that the master or person having command or charge of any such vessel barge or boat shall before such vessel barge or boat comes within half a mile of the said bridge show or make some signal to be determined from time to time by the Board of Trade which shall indicate to the person in charge of the bridge that such vessel barge or boat requires and is entitled under this section to pass the bridge with fixed masts or chimneys and if the master or person having the command or charge of any vessel barge or boat having masts or chimneys capable of being then lowered with safety to the vessel or without risk to the cargo shall show or make such signal such master or person shall be liable to pay to the Company any sum not exceeding ten pounds to be recovered as any penalty may be recovered under the Acts incorporated herewith.

Bo ad of Trade may order local survey.

9. If at any time or times it shall be deemed expedient by the Board of Trade to order a local survey and examination of any works of the Company authorised by this Act in over or affecting any tidal or navigable water or river or of the intended site thereof the Company shall defray the costs of every such local survey and examination and the amount thereof shall be a debt due to Her Majesty from the Company and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

Removal of obstructions near bridge and for pro-

10. The Company are hereby authorised and required at their own expense from time to time to remove any shoals sand banks or other obstructions in the said River Dee within four hundred yards of either side of the said bridge and to take away all beds of gravel sand mud or other impediment within the like distance from the said bridge necessary to be removed and to carry out such works as may be necessary for keeping and preserving the navigation of the said river near and under the said bridge free and open: Provided

A.D. 1884.

always that if by or in consequence of the construction of the said bridge over the River Dee or of any of the works executed under this Act any of the river banks within four hundred yards on either side of the said bridge shall be injured the Company shall at their own expense from time to time when and so often as the same shall happen cause such injury to be made good and the said banks so injured to be put into an effectual state of repair to the satisfaction of two justices and in case of difference between such justices then to the satisfaction of an arbitrator to be appointed by the Board of Trade.

As to placing capstans mooring posts and dolphins at the site of bridge crossing the River Dee.

11. It shall be lawful for the Company (if they shall think fit or if so required by the Board of Trade) to set up and erect proper capstans and mooring posts to the distance of one hundred yards as well above as below the said bridge over the River Dee and also all proper dolphins necessary for the purpose of guiding vessels through the arches or openings of the said bridge and to prevent such vessels from being driven thereon or injured thereby and from time to time to repair and keep in repair the said capstans mooring posts and dolphins.

If any works be abandoned &c. Board of Trade may direct removal.

12. If any works by this Act authorised to be constructed by the Company in under over through or across any tidal water or navigable river or if any portion of any work which affects or may affect any such water or river or access thereto shall be abandoned or suffered to fall into disuse or decay it shall be lawful for the Board of Trade to abate and remove the same or such part or parts thereof as that Board may at any time or times deem fit and proper and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

For the protection of the Wirral Highway Board.

13. For the protection of the highway board for the district of the hundred of Wirral in the county of Chester the following provision shall have effect and shall be observed and performed by the Company:

The approaches to the bridge for carrying the public road numbered 5 on the deposited plans in the parish of Holy and Undivided Trinity over Railway No. 1 shall be made with inclinations not steeper than one foot in thirty feet and the width of the said approaches to the bridge and of the road over

the bridge shall be not less than thirty-five feet clear between the fences.

For protection of the Hawarden Embankment Trustees.

14. The Company shall not in the exercise of the powers conferred upon them by this Act do or cause to be done or knowingly suffer to be done any act matter or thing whereby any embankment wall sluice drain fence or other work belonging to or maintained by the Hawarden Embankment Trustees shall be damaged injured or prejudicially affected and in case of any such work or any lands or property protected by such work being damaged injured or prejudicially affected the Company shall execute all such works as are necessary to make good the same to the satisfaction of the engineer or surveyor of the Hawarden Embankment Trustees and shall pay for any damage that may be done to any lands or property protected by such work and shall indemnify the Hawarden Embankment Trustees against any claim in respect thereof and in case of any difference as to the necessity or execution of any such work such difference shall be settled by arbitration by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers for such purpose whose decision as to the same and as to the cost of such arbitration and the parties by whom the same shall be paid shall be final and conclusive and binding on all parties.

For protection of Cheshire Lines Committee.

15. In constructing the railways by this Act authorised the Company shall be subject to the following provisions for the protection of the Cheshire Lines Committee (in this section called the committee) :—

(1.) The junction of Railway No. 2 by this Act authorised with the railways of the committee shall be made at such point and in such position as shall be approved by the principal engineer of the committee.

(2.) If by reason of the construction of the junctions of Railway No. 1 and Railway No. 2 by this Act authorised it shall be necessary to add to or to alter the signals upon the railways of the committee the same shall be added to or altered by the committee and the reasonable expense thereof shall be repaid to them by the Company.

(3.) All works crossing or affecting the railway of the committee shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the committee and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing: Provided that if such engineer shall not have expressed his approval or

A.D. 1884.

disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof.

(4.) The works shall be constructed and maintained so that the traffic upon the said railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the committee and in all things at the expense of the Company.

(5.) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the said railway or the works connected therewith shall be injured or the traffic thereon impeded the Company shall compensate the committee for all costs to which the committee may be put in repairing the said damage and shall also pay by way of liquidated damages to the committee ten pounds for every hour during which such traffic shall be impeded.

(6.) The Company shall also indemnify the committee for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen.

(7.) The Company shall not acquire any estate or interest in the lands and property of the committee other than an easement or right of constructing or maintaining therein the works by this Act authorised.

(8.) The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

For protection of the Shropshire Union Railways and Canal Company.

16. Whereas the Railway No. 1 shewn on the deposited plans and sections is to be carried over the canal of the Shropshire Union Railways and Canal Company herein-after called "the canal company" in the parish of St. Oswald in the county of Chester: Therefore for the protection of the canal company and their said canal the Company in constructing the said railway shall be subject to and shall observe fulfil and conform to the following conditions restrictions and obligations (that is to say):—

1. The Railway No. 1 shewn on the deposited plans and sections shall unless with the previous consent of the canal company

under their common seal be carried over the canal and the towing-path thereof by means of a good and substantial bridge of brick stone or iron.

2. The clear height of the bridge above the canal and towing-path shall be nowhere less than nine feet and the bridge shall be of such width as shall leave an open and uninterrupted navigable waterway in the canal of not less than thirty-five feet in width and a towing-path of not less than six feet in width and the piers or abutments of the bridge shall be placed in such position adjoining the said canal and towing-path and shall be constructed in such manner as shall have been agreed upon between the respective engineers of the Company and the canal company or failing agreement as shall be determined by an engineer to be appointed by the Board of Trade on the application of either party.

3. During the construction of the said bridge and during any necessary repairs thereof there shall be at all times left a free open uninterrupted navigable waterway in the said canal of not less than twenty feet and a towing-path of not less than five feet in width and a space above the canal and towing-path of not less than nine feet in the clear.

4. The Company shall not in constructing the said bridge or in the exercise of any of the powers by this Act granted to them alter the line or level of the said canal or towing-path or obstruct the navigation of the said canal or any part thereof or divert any of the waters thereof or any waters which now supply the said canal neither shall they injure any of the works slopes or embankments of the said canal.

5. The Company shall at all times keep and maintain the said bridge over the said canal and towing-path and the works connected therewith in good and substantial repair and if and whenever the Company fail to do so the canal company may make and do in and upon the lands of the Company as well as their own lands all such works and things as the canal company reasonably think requisite in that behalf and any sums from time to time properly expended by the canal company in that behalf shall be repaid to them by the Company and in default of payment the same may be recovered with full costs by the canal company from the Company in any court of competent jurisdiction.

6. Except in cases of inevitable accident if in the execution of any of the works by this Act authorised or by reason or in consequence of any of those works when made or of any act or

A.D. 1884.

omission of the Company the said canal or the towing-path thereof shall at any time be so obstructed or impeded as that boats barges or other vessels men or horses using the canal cannot pass along the same then and in every such case the Company shall pay to the canal company as or by way of ascertained damages a sum of ten pounds for every hour or part of an hour during which any such obstruction or impediment shall continue and the canal company may at the costs and charges of the Company remove such obstruction or impediment and make good all damage or injury to the said canal or towing-path occasioned thereby and in default of payment of any such costs and charges or of any such sum or sums as aforesaid within ten days after demand thereof in writing given to the secretary of the Company or left at the office or place of business of such secretary the canal company may recover the same with full costs in any court of competent jurisdiction.

7. The Company shall not without in every case the previous consent of the canal company in writing under their common seal take use enter upon or interfere with either temporarily or permanently any of the lands from time to time belonging or in the possession or under the power of the canal company save only for the purposes of constructing the said bridge railway and works over that company's canal and towing-path.

8. With respect to any land of the canal company which the Company are by this Act authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company subject to the provisions of this Act may purchase and take and the canal company may and shall sell and grant an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

9. Except as in this Act expressly provided this Act or anything therein contained shall not take away lessen prejudice or alter any right interest power privilege or authority of the canal company.

10. Any difference which may arise between the Company and the canal company as to the observing fulfilling and conforming to the foregoing conditions restrictions and obligations shall unless otherwise agreed be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of the River Dee Company.

17. The Company shall from time to time and at all times hereafter as well during the construction of the said bridge by this Act authorised across the River Dee as afterwards maintain under and for a distance of four hundred yards above and below the bridge at a moderate spring tide according to the true intent and meaning of the Dee Standard Restoration Act 1851 the same depth of water in the channel of the river as there shall be in the channel of the river from a distance of four hundred yards above the bridge to Wilcox Point for vessels to come and go to and from the city of Chester the depth of the river for a distance of four hundred yards below the bridge to Wilcox Point at such moderate spring tides to be determined by the supervisor's soundings as provided by the River Dee Company's Acts and if the Company fail to carry out this enactment they shall pay to the River Dee Company full compensation for the loss and damage sustained by them by reason of such neglect such compensation to be recoverable from the Company in any court of competent jurisdiction.

Provision as to certain works in the city of Chester.

18. In constructing the railways by this Act authorised the Company shall be subject to and shall observe fulfil and conform to the following conditions and provisions (that is to say):—

1. Before Brook Lane numbered on the deposited plans 9 in the parish of Saint Oswald shall be stopped up or in any way interfered with the diverted road shown on the said deposited plans and sections shall be made fenced curbed channelled metalled and completed fit for traffic and be dedicated to the public use. Such diverted road shall be thirty-five feet wide the inclination thereof shall not be steeper than as shown on the deposited sections and it shall be formed with a curve of not less than twenty feet radius at its junction with the Liverpool Road.

2. Before footway No. 20A on the deposited plans in the parish of Saint Oswald shall be in any way interfered with the Company shall make fence curb channel metal and complete fit for traffic and dedicate to the public use a road not less than thirty-five feet wide in lieu of the said footpath from the north side of Brook Lane (opposite Victoria Road) to a point on the south side of the road to be made in accordance with the preceding subsection 1 about thirty-two yards from the east side of the Liverpool Road and shall carry such road over the site of the intended railway by a bridge. The inclination of such road shall not be steeper in any part thereof than one in thirty.

A.D. 1884.

3. The bridge for carrying the railway over the Parkgate Road numbered 33 on the deposited plans in the said parish of Saint Oswald shall be made and maintained so as to prevent as far as practicable the dripping of water therefrom on any part of the road and so as to deaden as far as practicable the sound of engines carriages and traffic passing over it.

4. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the corporation of Chester or shall or may affect the sewerage or drainage of the corporation the Company shall provide by new altered or substituted works in such manner as the corporation shall reasonably require for the proper protection of and for giving access and preventing injury or impediment to the sewers and works in this subsection referred to by reason of the said intended works or any part thereof and shall save harmless the corporation against all and every expense to be occasioned thereby.

5. The Company shall not commence any works in respect of which provision is made by this section until they shall have given to the corporation twenty-eight days previous notice of their intention to commence the same by leaving such notice at the office of the town clerk of the city of Chester.

Any difference which may arise between the Company and the Corporation as to the observing fulfilling and conforming to the foregoing conditions restrictions and obligations shall unless otherwise agreed be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either party and the costs of the reference shall be in the discretion of the arbitrator.

Lands for extraordinary purposes.

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

Imposing penalty unless railways opened within time limited.

20. If the Company fail within the period limited by this Act to complete the railways authorised by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works of the railway in respect of which

the penalty has been incurred and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

21. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of such railway conferred upon the Company 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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

A.D. 1884.

Fund of the United Kingdom or in the discretion of the said Division if the Company is insolvent or 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.

Power to take easements &c. by agreement.

22. 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 not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Railways as to tolls and otherwise to form part of the Company's undertaking.

23. The Company may demand and receive for and in respect of the railways hereby authorised the same tolls and charges as they are empowered to receive in respect of their existing undertaking and those railways shall in all respects be deemed part of the undertaking of the Company.

Power to apply corporate funds.

24. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they are for the time being authorised to raise independently of this Act and which is not required for the purposes for which the same was authorised to be raised.

Power to raise additional share capital.

25. In addition to such share capital as the Company are for the time being independently of this Act authorised to raise they may from time to time raise such additional capital as they think requisite for the purposes of this Act not exceeding the sum of two hundred thousand pounds.

Mode of raising additional share capital.

26. The additional share capital by this Act authorised to be raised by the Company shall be raised by the creation of new shares or new stock ordinary or preference or partly ordinary and partly preference as the Company from time to time think fit.

New shares or stock to be subject to the same incidents as other shares or stock.

27. Subject to the provisions of this Act the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be entitled and subject to the same powers rights privileges liabilities and incidents in all respects as if that capital were part of the now

existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

No share to be issued until one-fifth part paid.

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

Power to borrow.

29. The Company may in respect of the additional capital of two hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole sixty-six thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such 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 so much of such 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 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 such 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 or 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.

Existing mortgages to have priority.

30. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the time of the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

A.D. 1884.

Repealing provisions of former Acts with respect to appointment of a receiver.

31. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

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

Power to create 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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 to which capital is properly applicable.

Period for compulsory purchase of lands.

35. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

36. The works authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall be then completed.

Power to use railways of Wrexham Company.

37. The Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description the railways of the Wrexham Company together with all stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices sidings junctions machinery works and conveniences of or connected with those railways and as regards

traffic conveyed by them the Company may demand the same tolls and charges upon and in respect of those railways stations works and conveniences as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

38. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company for and in respect of the use of the railways stations works and conveniences of the Wrexham Company shall be such as are from time to time agreed upon between them and the Wrexham Company or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either party and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Running powers to Wrexham Company over railways authorised by this Act.

39. The Wrexham Company may run over and use with their engines and carriages officers and servants the railways by this Act authorised or either of them or any part or parts thereof for the purposes of traffic of every description and they may also use all sidings platforms booking and other offices warehouses watering places and supplies of water approaches turntables works and conveniences necessary for such traffic in or upon those railways and stations and as regards traffic conveyed by them the Wrexham Company may demand and take the same tolls and charges upon and in respect of those railways and stations as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

40. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Wrexham Company for and in respect of the use of the railways stations works and conveniences by this Act authorised shall be such as are from time to time agreed upon between them and the Company or failing agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either party and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Tolls on traffic conveyed partly on the railways and partly on the railways of the Wrexham Company.

41. Where under the provisions of this Act traffic is conveyed partly on the railways of the Company and partly on the railways of the Wrexham Company the railways of the Company and the railways of the Wrexham Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the

A.D. 1884.

railways of the Wrexham Company for a less distance than three miles tolls and charges may be charged as for three miles only and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of the Wrexham Company.

Power to Company to subscribe to portion of undertaking of Wrexham Company.

42. The Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for that purpose from time to time subscribe any sums which they may think fit towards the construction of the sidings quays and other works at Connah's Quay in the county of Flint being a portion of the undertaking of the Wrexham Company authorised by the Wrexham Mold and Connah's Quay Railway Act 1882 not exceeding in the whole fifty thousand pounds and the Company may with the like authority contribute and apply in payment of their subscription any of the moneys which they now have in their hands or which they have power to raise by virtue of any Act relating to the Company and which may not be required for the purposes to which such moneys are by any such Act made specially applicable: Provided always that the Company shall not sell transfer or dispose of any shares stock mortgages or debenture stock held by them in respect of the moneys subscribed by them under the power contained in this section.

Saving rights of the Crown in the foreshore.

43. 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.

44. 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.

Interest not to be paid on calls paid up.

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

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

46. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provisions as to general railway Acts.

47. Nothing in this Act contained shall exempt the Company 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 authorised by this Act.

Costs of Act.

48. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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