



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxxxiv.

An Act for the Extension of the *Wrexham, Mold, and Connah's Quay* Railway to *Whitchurch* and *Brymbo*; and for other Purposes.

[25th July 1864.]

WHEREAS by "The *Wrexham, Mold, and Connah's Quay* Railway Act, 1862," (herein-after called "the recited Act," 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 authorized 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 at or near the *Wrexham* Station, and with the *Chester and Mold* Branch of the *Chester and Holyhead* Railway near the *Hope* Station: And whereas it is expedient that the Company should be empowered to extend their Railways to *Whitchurch* and *Brymbo*: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the

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said Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Denbigh, Flint, Chester, and Salop*: 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 the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*The Wrexham, Mold, and Connah's Quay Railway (Extension) Act, 1864.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," relating to the Construction of a Railway and to Working Agreements, and Parts I. and II. of "The Companies Clauses Act, 1863," relating to Cancellation and Surrender of Shares, and to Additional Capital, so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act, or any Act incorporated herewith, the Term "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

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

4. Except as is by this Act otherwise provided the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take Lands.

5. Subject to the Provisions of this Act and of the Acts incorporated herewith the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Power to make Railways according to deposited Plans.

6. Subject to the Provisions of this Act the Company from Time to Time may make in the Lines and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take,

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take, and use, the Railways following, with all proper Stations, Sidings, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing in the Parish of *Wrexham* in the County of *Denbigh*, by a Junction with the Railway No. 1. authorized by "The *Wrexham, Mold, and Connah's Quay* Railway Act, 1862," and terminating in the Parish of *Whitchurch* and County of *Salop* by a Junction with the *Crewe and Shrewsbury* Line of the *London and North-western* Railway Company:

A Railway commencing by a Junction with the Line of Railway No. 1. authorized by the "*Wrexham, Mold, and Connah's Quay* Railway Act, 1862," and terminating by a Junction with the *Minera* or *Wheatsheaf* Branch of the *Great Western* Railway Company:

A Railway (in lieu of Railway No. 5. authorized by the "*Wrexham, Mold, and Connah's Quay* Railway Act, 1862,") commencing by a Junction with Railway No. 4. authorized by that Act, and terminating by a Junction with the *Brynmally* Branch Railway of the *Great Western* Railway Company:

A Railway commencing in the Parish of *Brymbo* in the County of *Denbigh* by a Junction with the last-described Railway at a Point where that Railway will cross a public Road leading from *Summer Hill* to the *Frood*, and terminating in the said Parish of *Brymbo* by a Junction with the *Wrexham and Minera* Railway and with the *Minera* Branch of the *Great Western* Railway.

7. The Junction of the Railway herein-before firstly described with the *Crewe and Shrewsbury* Line of the *London and North-western* Railway Company shall be made at the Point of Junction with that Line shown on the deposited Plans and at no other, unless with the Consent of the *London and North-western* Railway Company in Writing under their Common Seal. Junction with London and North-western Railway.

8. The Junction of the Railway herein-before thirdly described with the *Bryn-Mally* Branch of the *Great Western* Railway shall be made at such Point and in such Manner as shall be agreed upon between the respective Engineers for the Time being of the *Great Western* Railway Company and of the Company, and in case of Difference arising as to the Mode of effecting such Junction, the same shall be determined by a Referee, to be appointed by the Board of Trade on the Application of either of the Companies, and such Referee shall have Power to determine how the Costs of the Arbitration shall be defrayed. Junction with the Bryn-Mally Branch of the Great Western Railway.

9. The

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Abandonment of Part of authorized Works.

9. The Company shall abandon and relinquish the Construction of Railway No. 5. authorized by the recited Act.

Compensation to be made where Contracts have been entered into or Notices given.

10. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were by the recited Act empowered to purchase for the Purpose of constructing the Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, or other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid, to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels and of probing or boring to ascertain the Nature of the Soil or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Level Crossing on Railway authorized by Act of 1862.

11. Notwithstanding anything in the recited Act or any Act incorporated therewith it shall be lawful for the Company to carry the Railway No. 1. by that Act authorized, with a double Line of Rails, across and on the Level of the public Road numbered 21, in the Parish of *Gwersyllt*, on the deposited Plans referred to in that Act.

Level Crossing.

12. Subject to the Provisions of this Act, it shall be lawful for the Company to carry the thirdly described Railway by this Act authorized, with a double Line of Rails, across and on the Level of the public Road numbered on the deposited Plans 143^a, in the Parish of *Wrexham*.

Inclination of Road.

13. In carrying the Road numbered (below) as follows on the deposited Plans over, under, or across the firstly described Railway, the Company may make the Inclination of that Road as steep but not steeper than as follows:

No.

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No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
17	Malpas - -	Public Road - -	1 in 11.

14. The Company may demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are now empowered to receive in respect of their existing Undertaking, and the Railways shall in all respects be deemed Part of the Railways of the Company.

Railways as to Tolls and otherwise, to form Part of Company's Undertaking.

15. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land, not exceeding Five Acres, adjoining or near to the Railways to be made under the Authority of this Act, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Lands for extraordinary Purposes.

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

Powers for compulsory Purchases limited.

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

Period for Completion of Railways.

18. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, a Sum of Thirteen thousand nine hundred and twenty Pounds, being Eight *per Cent.* upon the Sum of One hundred and seventy-four thousand Pounds, the Amount of the Estimate in respect of the Railways by this Act authorized, has been deposited with the Court of Chancery, with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, 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 lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board

Bond for Completion of Railway.

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of Trade, that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half; and if that Period expire before the Company either open the Railways for the public Conveyance of Passengers, or give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum so deposited and the Interest and Dividends thereof shall, immediately from and after the Expiration of that Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and, when so paid and transferred, shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited, if the Company do not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of that Capital; and if the Bond be deposited with the Solicitor to the Treasury, then that Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum of Money and the Interest or Dividends thereof would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Parts of
8 & 9 Vict.
c. 16. incor-
porated.

19. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With

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- With respect to the Forfeiture of Shares for Nonpayment of Calls ;
 With respect to the Consolidation of Shares into Stock ;
 With respect to the Remedies of Creditors of the Company against the Shareholders ;
 With respect to the Provisions to be made for affording Access to the Special Act ;
 With respect to the borrowing of Money by the Company on Mortgage or Bond ; and
 With respect to the Conversion of borrowed Money into Capital.

20. The Company may raise for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Two hundred thousand Pounds.

Power to raise new Capital by Shares.

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

One Fifth Part of the Shares to be paid on Issue.

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

Qualification of new Shares.

23. Twenty-five *per Centum* on the Amount of every new Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any of the new Shares, and Two Months at the least shall be the Interval between successive Calls ; and the aggregate Amount of Calls on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Calls.

24. When the whole of the additional Capital of Two hundred thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole Sixty-six thousand six hundred Pounds, but no Part of such last-mentioned Sum of Sixty-six thousand six hundred Pounds shall be borrowed until the whole of the said additional Capital of Two hundred thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of the

Power to borrow on Mortgage.

“ Companies

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“Companies Clauses Consolidation Act, 1845,” before he so certifies, that the whole of the said additional Capital of Two hundred thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Former
Mortgages
to have
Priority.

25. All Mortgages or Bonds granted under the Authority of the recited Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages to be granted by virtue of this Act.

Application
of Monies.

26. All and every Part of the Money to be raised under this Act, whether by Shares or by borrowing, shall be applied to the Purposes of the Railways by this Act authorized, and to no other Purpose.

Company
may apply
Corporate
Funds to
Purposes of
Act.

27. The Company from Time to Time may apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or are authorized to raise by the recited Act, and which are not required for the Purposes to which they are by that Act made specially applicable.

The Com-
pany and
other Rail-
way Com-
panies to
afford Traffic
Facilities to
each other.

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

Terms for
affording the
Traffic Faci-
lities.

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

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

30. The Company may run over, work, and use with their Engines, Carriages, and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Brynmally* Branch of the *Great Western* Railway as lies between the Point of Junction therewith of the thirdly described Railway by this Act authorized and the Terminus of the said *Brynmally* Branch Railway at the *Brynmally* Colliery; so much of the *Crewe and Shrewsbury* Railway of the *London and North-western* Railway Company as lies between the Point of Junction with it of the firstly described Railway by this Act authorized, and the Booking Office of the *Whitchurch* Station of the said *Crewe and Shrewsbury* Railway; the *Whitchurch* Stations, Sidings, Works, and Conveniences of the said *Crewe and Shrewsbury* Railway; and the Stations, Sidings, and Conveniences at *Wheatsheaf*, on the said *Wheatsheaf* or *Minera* Branch Railway of the *Great Western* Railway Company, or any or either of them.

Running Powers over other Railways and Use of Stations.

31. The Terms, Conditions, and Regulations for or in respect of the Use of the said Railways and Stations, or any Part thereof respectively, and the Tolls or other Considerations to be paid for the same, shall, if not agreed upon between the respective Companies to whom such Portions of Railways and Stations belong, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade.

Terms for such Use.

32. And whereas the Railway No. 1. on the deposited Plans is to be carried over the Canal of the *Shropshire* Union Railways and Canal Company: Therefore, for the Protection of that Company, herein-after called "the Canal Company," and their Canal the Company shall be subject to observe, fulfil, and conform to the following Conditions, Restrictions, and Obligations; (to wit,)

For Protection of Property of *Shropshire* Union Railways and Canal Company.

The Railway shall be carried over the Canal and the Towing-path thereof, in the Line or Course shown upon the Plans herein-before mentioned, by means of a good and substantial Bridge of Brick, Stone, or Iron; and unless with the Consent of the Canal Company under their Common Seal first had and obtained for that Purpose the Line or Course of the Railway over the Canal as shown upon those Plans shall not be diverted:

The clear Height of the Bridge above the Canal and Towing-path shall be nowhere less than Eight Feet, and the Bridge shall be

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of such Width as shall leave an open and an uninterrupted navigable Waterway in the Canal of not less than Twenty-five Feet in Width, and a Towing-path of not less than Five Feet in Width :

The Piers or Abutments of the Bridge shall be placed in such Position adjoining the said Canal and Towing-path as shall be approved for that Purpose by the Engineer for the Time being of the Canal Company :

The Company shall not in constructing the Bridge over the Canal, or in any other Case or for any other Purpose, 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 which now supply the said Canal, or injure any of the Works, Slopes, or Embankments of the said Canal :

During the Construction of the said Bridge and during any necessary Repairs thereof, there shall at all Times be left a free, open, uninterrupted navigable Waterway in the said Canal of not less than Ten Feet in Width, 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 Eight Feet in Height in the Clear :

The Company shall not without in each Instance the previous Consent in Writing for that Purpose of the Canal Company, under their Common Seal, enter upon, take, use, or interfere with, either temporarily or permanently, any of the Lands, Works, or Property of the Canal Company, save only for the Purpose of constructing the Railway by this Act authorized, and the Company shall at all Times keep the said Bridge and Works in good and substantial Repair.

For preventing Obstructions to Canal.

33. If in the Execution of any of the Works by this Act authorized, or by reason or in consequence of any of those Works when made, or of any Act or 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 same, cannot conveniently 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 the Sum of Twenty Pounds for every Day or Part of a Day 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

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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 in any Court of competent Jurisdiction.

34. Except as in this Act expressly provided, this Act or anything herein contained shall not take away, lessen, prejudice, or alter any Right, Interest, Power, Privilege, or Authority of the Canal Company.

Saving Rights of Shropshire Union Company.

35. Except only so far as is by this Act provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of any of the several Railway Companies named in this Act.

Saving Rights of Companies.

36. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of Crown.

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

Interest not to be paid on Calls paid up.

38. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money 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 authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

Deposits for future Bills not to be made out of Capital.

39. Nothing

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Railways
not exempt
from Provi-
sions of pre-
sent and
future
General
Acts.

39. Nothing in this Act shall exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Rates for small Parcels, by this Act authorized.

Expenses of
Act.

40. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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