



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cccxxviii.

An Act to authorize the Construction of Railways or Tramways from the Town of *Holywell* to *Greenfield* in the County of *Flint*, and to the *Holywell* Station of the *Chester and Holyhead* Railway; and for other Purposes.

[29th July 1864.]

WHEREAS the Construction of Railways or Tramways from the Town of *Holywell* in the County of *Flint* to the River *Dee* at *Greenfield* in the same County, and to the *Holywell* Station of the *Chester and Holyhead* Railway, would be of great local and public Convenience: And whereas the Persons hereafter named, with others, are willing at their own Expense to carry such Undertaking into execution: And whereas a Plan showing the Line or Situation of the said Railway, and Plans and Sections of the intended Railways and Tramways, showing the Lines and Levels thereof respectively, and describing the Lands in and through which the same may be made, or which may be required for the Purposes of the Undertaking, with a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Flint*,

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and

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and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient that Facilities be afforded for Traffic passing over the Railways by this Act authorized, and also over the Railways of the *Chester and Holyhead* Railway Company, and of the *London and North-western* Railway Company (herein-after called "the Company"): And whereas it is expedient that such working and other Arrangements should be authorized, and such Powers conferred with reference to other Undertakings and Companies as are herein-after expressed: And whereas the Purposes aforesaid 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 the 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 Holywell Railway Act, 1864.*"

8 & 9 Vict. cc. 16. 18. & 20.,
22 & 23 Vict. c. 59.
23 & 24 Vict. c. 106., and
26 & 27 Vict. cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railway Companies Arbitration Act, 1859," "The Railways Clauses Act, 1863," and "The Companies Clauses Act, 1863," save so far as the same respectively are expressly varied or excepted by this Act, shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act, the Expression "the Undertaking," and the Expression "the Railway," respectively mean the Railways and Tramways by this Act authorized, and the Works contained therein, and the Term "Superior Courts," and the Term "Courts of competent Jurisdiction," or any other like Expression in this Act or any Act 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.

Subscribers incorporated.

4. *Thomas Linklater, Lockington, St. Lawrence Bunn, James Langhorne,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, or Successors and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking hereby authorized, and for the Purposes aforesaid of such Company, and shall be incorporated by the Name of "*The Holywell Railway Company,*" and by that Name shall be a Body Corporate with perpetual Succession, and shall have Power to purchase, acquire, take, hold, and dispose of Lands and other Property, and any Easements, Interests,

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Interests, Rights, Powers, and Privileges in, over, and affecting the same for the Purposes of the Undertaking, but subject to the Restrictions herein and in the incorporated Acts respectively herein contained.

5. The Share Capital of the Company shall be Thirty thousand Pounds. Capital.

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

7. The Number of Shares in which the said Capital shall be divided shall be Three thousand, and the Amount of each Share shall be Ten Pounds. Number and Amount of Shares.

8. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Three Fourth Parts of the whole. Calls.

9. The Company may borrow on Mortgage any Sum not exceeding in the whole the Sum of Ten thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital shall have been subscribed for and One Half thereof shall have been actually paid up, and until they shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that such Shares were taken *bonâ fide* and are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable. Power to borrow Money.

10. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for Payment shall be made shall not be less than One thousand Pounds in the whole. Arrears may be enforced by Appointment of a Receiver.

11. The Monies raised under this Act, whether by Shares or Mortgage, shall be applied only to the Purposes of this Act. Application of Capital.

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First and
other
Meetings.

12. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August* in every Year.

Number and
Qualifica-
tions of
Directors.

13. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to
reduce the
Number of
Directors.

14. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the Number shall never be less than Four.

First Direc-
tors of the
Company.

15. *Thomas Linklater Lockington, St. Lawrence Bunn, and James Langhorne* shall be Three of the First Directors of the Company.

Quorum.

16. A Quorum of a Meeting of Directors shall be Three, and if the Number be less than Six, the Quorum shall be Two.

First Direc-
tors to con-
tinue in
Office until
First Meet-
ing after
passing of
Act.

17. The Directors appointed by this Act as representing the Shareholders shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office those Directors, or supply the Place of such of those not continued in Office, the retiring Directors appointed by this Act being eligible as Members of such new Body, and at the First Ordinary Meeting to be held in every Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by the said "Companies Clauses Consolidation Act, 1845," or by this Act or either of them.

Newspaper
for Adver-
tisements.

18. All Advertisements relating to the Affairs of the Company shall be inserted in a Newspaper published in the County of *Flint*.

Power to
construct
Railways
according to
deposited
Plans.

19. Subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to make and maintain the Railways in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon and purchase and use such of the said Lands, and purchase by Agreements such Easements, Interests, Rights, Powers, and Privileges, in, over, under, and affecting the same, as the Company may think expedient for any of the Purposes of this Act.

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20. The Undertaking to be made and maintained under the Authority of this Act, will be the following; (that is to say,) Description of Undertaking.

Railway No. 1. To make and maintain a Railway or Tramway, commencing in the Yard at the Rear of the *White Horse Hotel*, in the Town of *Holywell* in the Parish of *Holywell* in the County of *Flint*, and thence passing from, in, through, or into the Town and Parish of *Holywell* aforesaid, and the Township of *Greenfield*, and running in a North-eastwardly Direction into the Foreshore or Bed of the River *Dee*, and terminating at or near a Point about Two hundred Yards North-east of the Pier or Quay belonging to Mrs. *Sarah Frances Crockford* in *Greenfield* aforesaid, in the Parish of *Holywell* in the said County of *Flint*:

Railway No. 2. A Railway or Tramway wholly situate in the said Parish of *Holywell* and County of *Flint*, commencing by a Junction with the said intended Railway No. 1. at a Point about Two hundred Yards along the said intended Railway from the intended Terminus thereof in the Rear of the *White Horse Hotel*, in *Holywell* aforesaid, and thence passing in a South-eastwardly Direction and terminating at a Point on the West Side of the Road forming the Continuation of *Bagillt Street* in *Holywell* aforesaid, in a Field belonging to Lord Viscount *Fielding* and others, and in the Occupation of *Henry Williams*:

Railway No. 3. A Railway or Tramway wholly situate in the Parish of *Holywell* and Township of *Greenfield* and County of *Flint*, commencing by a Junction with the said intended Railway No. 1. at a Point about Ten Yards North-east of a Stone Erection, situate in a Field belonging to the said Mrs. *Sarah Frances Crockford*, in the Occupation of Mr. *Clement Williamson*, and thence passing in a curved Line and terminating by a Junction with the Line of the *Chester and Holyhead Railway* at the *Holywell Station* of the said *Chester and Holyhead Railway*.

21. Subject to the Provisions of this Act and of the General Acts incorporated herewith, the Company, in the Construction of the Railway by this Act authorized, may carry the same with a double Line of Railway only across and on the Level of the Road numbered on the said Plans as follows; (that is to say,) Level Crossings.

No. of Railway.	No. on Plan.	Parish.	Description of Road.
No. 3.	90	Holywell	Public Road.

22. Nothing herein contained shall extend to prejudice, diminish, alter, take away, or interfere with any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the *London and North-western Railway Company*. Saving Rights of other Companies.

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Land for extraordinary Purposes.

23. The Quantity of Land to be purchased by Agreement by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed One Acre.

Powers for compulsory Purchases limited.

24. The Powers of the Company for the compulsory Purchase of Land 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.

25. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this and the incorporated Acts granted to the Company for constructing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

As to crossing of the Tramway of the Holywell Railway and Limestone Company.

26. The Company may and shall carry their Railway, with not exceeding a double Line of Railway, across the Tramway of the *Holywell* Railway and Limestone Company on the Level thereof: Provided always, that the Point of such crossing shall be to the Northward of the Point where the *Chester and Holyhead* Railway now crosses that Tramway on the Level in the Township of *Greenfield* in the Parish of *Holywell*, and shall not be further North of that Point than Ten Yards, measured Northward in a direct Line from the Northernmost Rail of the *Chester and Holyhead* Railway at such last-mentioned Point of crossing: Provided also, that the Provisions of Sections 9, 10, and 11 of The Railways Clauses Act, 1863, with respect to Junctions, shall be applicable to the crossing of the said Tramway, and the said level Crossing of the Tramway shall be deemed to be a Junction with a Railway within the Meaning of those Sections.

Level Crossing over private Road belonging to Messrs. Newton, Keates, and Company.

27. That the Railway No. 3. to be constructed under the Powers of this Act, shall cross the private Road No. 91. in the Plan and Book of Reference deposited with the Clerk of the Peace for the County of *Flint*, and stated in the said Book of Reference to be the Property of Messrs. *Newton, Keates*, and Company, on the Level of the said private Road (which may be raised to the Level of the *Chester and Holyhead* Railway at its crossing of the said Road), and at a Point which will leave a Space of at least Fifty-four Yards between the Centre of the Space between the Two Main Lines of Rails of the *Chester and Holyhead* Railway at its crossing of the said private Road and the Centre of the Railway hereby authorized at its crossing of the same Road.

Road to be raised in a certain Event.

28. That if the said private Road shall be raised at the crossing thereof by the Railway hereby authorized, the said Company shall raise so much of the said private Road as lies between the Railway hereby authorized and the *Chester and Holyhead* Railway to the same Level, and the said Company shall also raise the said private Road on the North-east Side of the Railway hereby authorized, so as to form a sloping Approach thereto of an Inclination not more than 1 in 20.

29. Except

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29. Except with the Consent in Writing of the Proprietors for the Time being of the Works now owned by Messrs. *Newton, Keates, and Company*, or by some Partner or Partners in the said Firm, and occupied by their said Firm, and situated at *Greenfield* in the Parish of *Holywell*, there shall not be more than Two Lines of Rails at the said Crossing, and no Carriage or Carriages shall at any Time be allowed to stand on any Part of the said Line of Railway No. 3. at its crossing of the said private Road.

Not more than Two Lines of Railway except by Consent.

30. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Two thousand six hundred and forty-one Pounds Three Pounds *per Centum* Consolidated Bank Annuities, representing the Sum of Two thousand four hundred Pounds, being Eight *per Centum* upon Thirty thousand Pounds, the Amount of the Estimate of Expense of the Undertaking by this Act authorized, has been transferred into the Name of the Accountant General of the Court of Chancery, pursuant to the said Act in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Amount of Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of that Sum, shall not, except upon the Execution and Deposit of such 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 issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the same respectively for the public Use and 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 means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if the said Period shall expire before the Company shall either have opened the Railway respectively for the public Use and Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Amount of Stock so transferred, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be 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 of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two thousand four hundred Pounds shall have been executed by the Company with

Deposit in Court of Chancery to be forfeited to the Crown in a certain Event.

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One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two thousand four hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway hereby authorized, either open the same for the public Use and Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Capital by their said Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the Lords Commissioners, then such Amount of Stock so transferred and the Interest or Dividends thereof shall be paid to or transferred on the Application of the Person or Persons, or the Majority of Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having been passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid shall respectively be sufficient Evidence of the Facts so certified.

Maximum
Rates of
Charge.

31. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers along the Railway, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance as aforesaid, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, One Shilling:

For every Passenger conveyed in a Second-class Carriage, Eightpence:

For every Passenger conveyed in a Third-class Carriage, Sixpence.

For Cattle,
Goods, &c.

32. And with respect to the Conveyance of Animals and Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggon and Trucks, and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Horse, Mule, or other Beast of Draught or Burden, Eightpence;

For Cattle, Sixpence *per* Head;

For

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For Calves, Pigs, Sheep, and small Animals, Fourpence each ;
 For all Coal, Coke, Ironstone, Dung, Compost, and other Articles
 herein-before classed therewith, One Shilling *per* Ton ;
 For all Sugar, Grain, and other Articles herein-before classed there-
 with, Two Shillings *per* Ton ;
 For all Cotton and other Articles herein-before classed therewith,
 Two Shillings and Sixpence *per* Ton ;
 And for every Carriage, of whatever Description, not being a
 Carriage adapted and used for travelling on a Railway, conveyed
 on a Truck or Platform, Two Shillings.

33. The following Provisions and Regulations shall be applicable to the fixing of such Tolls and Charges ; (that is to say,) Regulations
as to the
Tolls.

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so on in proportion for any smaller Quantity.

34. And with respect to small Packages and single Articles of great Weight, be it enacted that, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand Tolls not exceeding the following ; (that is to say,) Tolls for
small Parcels
and single
Articles of
great
Weight.

For the Carriage on the Railway or any Part thereof of any Parcel not exceeding Fourteen Pounds in Weight, Fourpence ;

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sixpence ;

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence ;

And for the Carriage of any Parcel exceeding Fifty-six Pounds, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling and Sixpence *per* Ton :

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For

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For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article; the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

35. Every Person travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

As to Sta-
tions to be
considered
Terminal
Stations.

36. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Foregoing
Charges not
to apply to
Special
Trains.

37. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to run upon the Railway, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Company
may take
increased
Charges by
Agreement.

38. Nothing herein contained shall be held to prevent the Company from taking any increased Charges over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels by Passenger Trains), or by reason of any other special Service performed by the Company in relation to such Goods.

Power to
enter into
Traffic Ar-
rangements
with other
Companies.

39. Subject to the Provisions contained in "The Railway Clauses Act, 1863," it will be lawful for the Company on the one hand, and the *London and North-western* Railway Company (herein-after called "the contracting Company"), on the other hand, from Time to Time to enter into and make Agreements for and with respect to the following Purposes, or any of them; (that is to say,)

The working of the Railway by the contracting Company:

The Conveyance by the contracting Company of the whole or any Part of the Traffic upon the Railway, or any Part thereof:

The Division and Apportionment of such Traffic between the Companies Parties to the Contract:

The Supply of any Rolling or Working Stock required for such Purposes:

The Management, Maintenance, and Repair of the Railway, or of any Part or Parts thereof respectively:

The Costs and Expenses of such Working, Management, Maintenance, and Repair:

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The Collection, Delivery, and general Conduct of such Traffic:
The fixing, collecting, taking, and levying the Tolls, Rates, and Charges arising on the Railway, or any Part or Parts thereof respectively:

The Appointment of Officers and Servants:

The Division between the Companies Parties to the Contract of the Receipts arising from the Traffic upon the Railway, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or any other Consideration to be paid by either of those Companies to the other of them by virtue of such Contract.

40. During the Continuance of any Agreement under the Authority of this Act, the said intended Railway, and the Railway or Railways of the *London and North-western* Railway Company as shall enter into such Agreement, shall for the Purposes of Tolls and Charges be considered One Railway, and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on such Railway or Railways, and partly on the said intended Railway, for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles, and for each Mile or Fraction of a Mile beyond Three Miles as for One Mile only in respect of Passengers, and as for a Quarter of a Mile or any Fraction of a Quarter of a Mile beyond Six Miles, as for One Quarter of a Mile in respect to Animals, Minerals, Goods, and other Traffic, and no other short Distance Charge than such as is herein-before mentioned shall be made in respect of the Traffic on the said Railway or Railways, and the said intended Railway, when worked under any such Agreement.

During Continuance of Contract Railway and Branch Railway to be considered Part of Railways of contracting Companies.

41. So long as the contracting Company, under the Provisions of this Act, work the Traffic on the Railway and Branch Railway, Tolls not exceeding such as are authorized by this Act may be demanded and taken by the contracting Company for the Use of the Railway, in accordance with the Terms and Stipulations of any such Contract, and such Tolls and Charges, or a proportionate Part thereof, shall be paid over to the Company, or be retained by the contracting Company for their own Use and Benefit, subject to such Deductions, Payments, or Liabilities as may be provided in any such Contract.

Tolls may be taken by the contracting Companies, subject to Working Agreement.

42. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares held by him in the Capital by this Act authorized, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made,

Interest not to be paid on Calls paid up.

as

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as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

43. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Saving
Rights of the
Crown.

44. 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.

Railway not
exempt from
Provisions of
present and
future Ge-
neral Acts.

45. Nothing herein contained shall be deemed or construed to exempt the Railway and Branch Railway hereby authorized 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 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 authorized by this Act, or of the Rates for small Parcels.

Expenses of
Act.

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

LONDON:

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