



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cclxxi.

An Act to enable the *Mold and Denbigh Junction Railway Company* to make certain new Lines of Railway, and to abandon a Portion of their authorized Railway; and for other Purposes.

[5th July 1865.]

WHEREAS by “The *Mold and Denbigh Junction Railway* Act, 1861,” the *Mold and Denbigh Junction Railway Company* (in this Act called “the Company,”) were incorporated and authorized to make a Railway from the *Mold Branch* of the *Chester and Holyhead Railway* at *Mold* to join the *Vale of Clwyd Railway*: And whereas it is expedient that the Company be authorized to make the new Lines of Railway herein-after described: And whereas a Portion of the Railway authorized to be made by the said Act of 1861 will be rendered unnecessary in consequence of the Construction of such new Lines of Railway, and it is expedient that the Construction of that Portion of the said authorized Line be abandoned: And whereas by the Act of 1861 the Company were authorized to raise by Shares One hundred and twenty-five thousand Pounds, and to borrow on Mortgage Forty-one thousand Pounds, and

24 & 25 Vict.
c. cexlvii.

[Local.]

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it is expedient that the Company be authorized to raise further Sums for the Purposes of this Act: And whereas the Objects and Purposes 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:

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Mold and Denbigh Junction Railway (Extensions) Act, 1865.*"

Interpreta-
tion of
Terms.

2. In this Act the following Expressions have respectively the several Meanings hereby assigned to them:—The Expression "the Company" means the *Mold and Denbigh Junction Railway Company*; the Expression "the Act of 1861" means "The *Mold and Denbigh Junction Railway Act, 1861*;" the Expression "the Plans of 1861" means the Plans referred to in the Act of 1861; and the Expressions "Superior Court," or "Court of competent Jurisdiction," or any other like Expression in this Act or in the Acts incorporated herewith, shall be read and have Effect as if the Debt or Demand in respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

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

3. "The Lands Clauses Consolidation Act, 1845;" "The Lands Clauses Consolidation Acts Amendment Act, 1860;" "The Railways Clauses Consolidation Act, 1845;" the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer and Transmission of Shares;

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

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the Consolidation of Shares into Stock;

With respect to the making of Dividends;

With

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With respect to the borrowing of Money on Mortgage or Bond ;
 With respect to the Conversion of borrowed Money into Capital ;
 and

With respect to the Provision to be made for affording Access to
 the Special Act ;

And Part II. of "The Companies Clauses Act, 1863," and Part I.
 of "The Railways Clauses Act, 1863,"

Shall be incorporated with and form Part of this Act.

4. It shall be lawful for the Company at any Time and from Time to Time to raise by the Creation of Shares in their Undertaking, in addition to the Sum of One hundred and twenty-five thousand Pounds which the Company are authorized to raise by Shares by the Act of 1861, such further Sums of Money as they shall from Time to Time deem necessary or expedient, not exceeding in the whole the further Sum of One hundred thousand Pounds ; and all further Sums so raised shall form Part of the General Capital of the Company and all additional Shares created and issued by the Company for the Purpose of raising the said Sum of One hundred thousand Pounds shall be Ordinary Shares, and shall respectively be of the same Amount and shall confer upon the Holders thereof the same Rights and Privileges only, and shall be subject to the same Provisions in all respects, whether with reference to the Amount and Times of making Calls, to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise howsoever, as if they had been created under the Authority of the Act of 1861 ; and all and every Part of the Money raised by the Creation of such Shares shall be applied only to Purposes authorized by this Act.

Power to
 Company to
 increase
 their Share
 Capital by
 new Shares.

5. It shall not be lawful for the Company to issue any Share for raising any Part of the Capital by this Act authorized, nor shall any such 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.

6. The Company may borrow on Mortgage of their Undertaking, in addition to the Sum of Forty-one thousand Pounds by the Act of 1861 authorized to be borrowed, any further Sum or Sums not exceeding in the whole Thirty-three thousand Pounds ; and all and every Part of the Monies borrowed under the Authority of this Act shall be applied only to Purposes authorized by this Act : Provided always, that until the whole Sum of One hundred thousand Pounds which

Power to
 borrow on
 Mortgage.

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which the Company are by this Act authorized to raise by Shares, shall have been *bonâ fide* subscribed for and issued, and One Half thereof shall have been paid up, and the Company shall 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 all the said Sum of One hundred thousand Pounds has been subscribed for *bonâ fide*, and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share was paid up on Issue of the same, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company shall not borrow any Money under the Provisions of this Act.

Priority of
existing
Mortgages.

7. All Mortgages granted by the Company before the passing of this Act, and which may be still in force at the Time of the passing of this Act, shall during the Continuance of such Mortgages respectively, and until they shall be paid off or renewed, have Priority over all Mortgages granted under the Authority of this Act.

Power to
make Rail-
ways.

8. It shall be lawful for the Company to make and maintain the Railways herein-after mentioned, with all proper Stations, Works, and Conveniences connected therewith respectively; (that is to say,)

A Railway (herein called Railway No. 1. but on the deposited Plans and Sections called Railway No. 2.) commencing in the Parish of *Mold* by a Junction with the authorized Line of the *Mold and Denbigh Junction Railway* in or near a Field numbered 86 in the Parish of *Mold* on the Plans of 1861, and terminating in the Parish of *Hawarden* :

A Railway (herein called Railway No. 2. but on the deposited Plans and Sections called Railway No. 3.) commencing in the Parish of *Henllan* by a Junction with the authorized Line of the *Mold and Denbigh Junction Railway* at or near the Point denoting Thirteen Miles Five Furlongs on the Plans of 1861, and terminating by a Junction with the *Vale of Clwyd Railway* at or near the *Denbigh Station* of that Railway :

And a Railway (herein called Railway No. 3. but on the deposited Plans and Sections called Railway No. 4.) commencing in the Parish of *Henllan* by a Junction with the authorized Line of the *Mold and Denbigh Junction Railway* in or near the Field numbered 25. in the Parish of *Henllan* on the Plans of 1861,
and

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and terminating by a Junction with the *Vale of Clwyd* Railway at or near the *Trefnant* Station of that Railway.

9. Whereas Plans and Sections of the Railways by this Act authorized, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited for public Inspection with the several Clerks of the Peace for the Counties of *Flint*, *Denbigh*, and *Carnarvon*: Therefore, subject to the Provisions and Powers of Deviation in this Act and in the Acts incorporated herewith contained, the said Railways shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as may be necessary for the Purposes of the said Railways and the Works connected therewith, or for any Purpose by this Act authorized: Provided that, except for the Purposes of the Junctions of the Railways numbered respectively 2. and 3. by this Act authorized, it shall not be lawful for the Company to take, enter upon, use, or interfere with any of the Lands of the *Vale of Clwyd* Railway Company, without the Consent in Writing of that Company under their Common Seal first had and obtained.

Railways to be made according to deposited Plans.

10. The Company may by Agreement purchase Land adjoining or near to the Railway for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," but the Quantity of Land so to be purchased shall not exceed Five Acres.

Lands for extraordinary Purposes.

11. 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 after the passing of this Act.

Powers for compulsory Purchases limited.

12. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the Railway shall cease.

Period for Completion of Railway.

13. The Company may make such Openings in and Alterations of the Rails of the Railways with which Junctions are by this Act
[Local.] 45 G authorized

Power to effect Junctions.

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authorized to be effected, and may do all such Acts and Works as are necessary in order to effect such Junctions.

Railway to form Part of the Undertaking of the Company.

14. The Railway shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Undertaking of the Company, as if authorized by "the Act of 1861."

In certain Events a Bridge to be erected over Railway No. 2, and the Vale of Clwyd Railway.

15. If at any Time hereafter the Company shall lay down more than a Single Main Line of Railway, or the *Vale of Clwyd* Railway Company shall lay down a Second Main Line of Railway where the *Vale of Clwyd* Railway and Railway No. 2. by this Act authorized cross on a Level a certain Occupation Road situate between the Lands numbered respectively upon the deposited Plans 46 and 47 in the Parish of *Henllan*, then, if the Owner or Owners thereof for the Time being shall be willing to convey to the Company for a nominal Consideration so much of his or their Land as shall be necessary for constructing an Occupation Bridge and Approaches over Railway No. 2. by this Act authorized, and also over the *Vale of Clwyd* Railway at the Point on the deposited Plans denoting Two Miles from the Commencement of Railway No. 2. by this Act authorized, then and in such Events the Company shall and they are hereby required to apply to Parliament for and to use their utmost reasonable Endeavours to obtain an Act to enable them to build an Occupation Bridge over the said Railways at the Point aforesaid; and the Company shall complete such Bridge within a Period of One Year from the passing of an Act authorizing them to construct the same: Provided always, that the crossing of the said Occupation Road by Sidings connected or to be connected either with the Railway of the Company or with the *Vale of Clwyd* Railway shall not render it incumbent upon the Company to apply to Parliament for the Purpose aforesaid.

Company to abandon a Portion of Line authorized by 24 & 25 Vict. c. ccxlvii.

16. The Company shall abandon the Formation of so much of the Railway authorized by the Act of 1861 as will be rendered unnecessary by reason of the Construction of the Railways by this Act authorized; (that is to say,) so much of the Railway authorized by the Act of 1861 as would have been situate between the double Junction with the *Vale of Clwyd* Railway shown on the Plans of 1861 and the Point denoting Thirteen Miles Six Furlongs on the Plans of 1861.

Compensation to be made where

17. In every Case in which before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing

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purchasing any Lands which the Company were by the Act of 1861 empowered to purchase, for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of or other Persons interested in such Lands full Compensation for all Injury or Damage sustained by such Owners or Occupiers and 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 to be taken under the Provisions thereof: Provided always, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to recover from the Company Compensation for any Damage which 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 Railways Clauses Consolidation Act, 1845," contained.

Contracts have been entered into or Notice given.

18. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Twenty-five thousand three hundred and twelve Pounds Three *per Centum* Consolidated Annuities, being sufficient to satisfy Twenty thousand four hundred Pounds, being Eight *per Centum* upon the Amount of the original Estimate of Expense deposited in relation to this Act, has been transferred into the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the last said recited Act, the Sum of Nine thousand and forty Pounds Three *per Centum* Consolidated Annuities, being, at the Price at which the same was purchased equal to Eight Pounds *per Centum* on One hundred thousand Pounds, the estimated Expense of so much of the Undertaking included in the said original Estimate as is by this Act authorized, or the Interest or Dividends thereof, shall not, except on the Execution and Deposit of such Bond as herein-after expressed, be paid or transferred to or upon the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, except the Company, before the Expiration of the Period by this Act limited for the Completion of the Railway, either open the Railway for the public Conveyance of
Passengers,

Bond for Completion of Railways.

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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 One Half of that Capital; and if that Period expire before the Company either have opened the Railway for the public Conveyance of Passengers, or have given the Proof to the Satisfaction of the Board of Trade, the said Portion of the said Stock so transferred as aforesaid, 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 of Eight thousand Pounds 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 said Sum of One hundred thousand Pounds if the Company do not, within the Time by this Act limited for the Completion of the Railway, either open the Railway 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 One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the said Portion of the said Stock, and the Interest or Dividends thereof, shall be transferred and 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 to be recovered on the Bond shall be dealt with in like Manner as the Portion of Stock and the Interest or Dividends thereof would be dealt with under this Act if the Bond were not 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.]

Saving
Rights of
the Crown.

19. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner

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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 previous 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); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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

Interest not to be paid out of Capital.

21. The Company shall not, out of any Money by this Act or by any other Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force may require 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 execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Capital.

22. Nothing in this Act shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and the maximum Rates of Fares and Charges authorized to be taken by the Acts relating to the Company.

Railways not exempt from Provisions of present and future General Acts.

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23. All

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Expenses of
Act.

23. All the Costs, Charges, and Expenses of and preparatory or incidental to the passing of this Act shall be paid by the Company.

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