



CHAPTER ccxxxvii.

An Act to confer further powers on the Glyn Valley Tramway Company ; and for other purposes. A.D. 1878

[16th August 1878.]

WHEREAS by the Glyn Valley Tramway Act 1870, a company (herein-after called "the Company") was incorporated by the name of the Glyn Valley Tramway Company, with power to make and maintain certain tramways in the counties of Salop and Denbigh, which have been duly constructed and opened for the conveyance of traffic : 33 & 34 Vict.
c. clxvi.

And whereas the Company were by that Act authorised to raise twenty-five thousand pounds by shares and eight thousand three hundred pounds by borrowing :

And whereas the capital created and issued by the Company is sixteen thousand nine hundred and eighty pounds, leaving a balance of eight thousand and twenty pounds to be raised by the creation of shares, and no money has been borrowed by the Company :

And whereas it is expedient that the Company should be authorised to make the deviation and the tramways and road herein-after described :

~~And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of the said new tramways and road as herein-after provided :~~

And whereas it is expedient that the Company should be authorised to constitute the new tramways and road by this Act authorised into separate undertakings to be called respectively "The Glyn Valley Tramway (Pandy) Extension" and "The Glyn Valley Tramway (Nantyr) Extension" :

And whereas it is expedient that the Shropshire Union Railways and Canal Company should be authorised to subscribe towards the existing undertaking of the Company, and also to enter into and carry into effect the agreements with the Company by this Act authorised :

[Ch. ccxxxvii.] *Glyn Valley Tramway Act, 1878.* [41 & 42 VICT.]

A.D. 1878.

And whereas it is expedient that provision should be made for the redemption by the Company of the annual rent payable by them to the trustees of the Wem and Bronygarth Roads, and that the agreement with those trustees set forth in the Schedule to this Act annexed should be confirmed by Parliament :

And whereas plans and sections, showing the lines and levels of the tramways or railways and road authorised by this Act, 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 required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Denbigh, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the 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, and 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. This Act may be cited as the Glyn Valley Tramway Act, 1878.

Incorporation of general Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
26 & 27 Vict. c. 92.
8 & 9 Vict. c. 20.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, Part III. (relating to working agreements) of the Railways Clauses Act, 1863, the provisions of the Railways Clauses Consolidation Act, 1845, "with respect to the construction of the railway and the works connected therewith," "with respect to the temporary occupation of lands near the railway during the construction thereof," and "with respect to mines lying under or near the railway," are (except where expressly varied by this Act) incorporated with and form part of this Act : Provided, that in the construction of the said provisions of the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, as part of this Act the expression "the Railway" shall mean the tramways by this Act authorised.

8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

33 & 34 Vict. c. 78. not to apply.

3. The Tramways Act, 1870, except as herein-after provided, shall not apply to this Act.

Interpretation of terms.

33 & 34 Vict. c. clxvi.

4. 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 such construction ; the expression "the Act of 1870" means the Glyn Valley Tramway Act, 1870 ; the expression "the Tramways" means the deviation and the tramways or railways by this Act authorised ; the expression

“the undertaking of the Company” means the undertaking of the Company as authorised by the Act of 1870, and by this Act; the expression “the Shropshire Union Company” means the Shropshire Union Railways and Canal Company; 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 common simple contract debt, and not a debt or demand created by statute.

A.D. 1878.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the tramways and road herein-after described, with all proper iron or other rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the plans and described in the deposited books of reference as may be required for those purposes; the deviation, tramways, and road herein-before referred to and authorised by this Act are—

Power to make tramways according to deposited plans.

1. A deviation of the Tramway No. 2 authorised by the Act of 1870 (single line), one furlong and two chains or thereabouts in length, commencing by a junction with such tramway at or near a point thereon east of Pont-dol-y-wern, distant four miles three furlongs and three chains or thereabouts from the commencement of such tramway, and terminating by a junction with such tramway at a point thereon west of Pont-dol-y-wern aforesaid, distant four miles four furlongs and seven chains or thereabouts from the commencement of such tramway :
2. A tramway or railway (single line), three miles two furlongs and six chains or thereabouts in length; commencing by a junction with the said existing tramway at its existing terminus at or near the public-house called the New Inn, in the parish of Llansaintffraid Glyn Ceiriog, and terminating in a field No. 266 on the new ordnance survey and map for the parish of Llanadwaladar, in the county of Denbigh, situate at or near the junction of four cross roads at or near the village of Tregeiriog :
3. A road or highway, commencing by a junction with the turnpike road between Llansaintffraid Glyn Ceiriog and Llanarmon Dyffryn Ceiriog at Pandy, near Melin Deirw, and terminating in the field No. 429 on the new ordnance survey and map of the parish of Llansaintffraid Glyn Ceiriog, in the occupation of John Hammond :

A.D. 1878.

4. A tramway or railway (single line), two miles two furlongs in length, commencing at the termination of the road or highway above described and laid down in, upon, along, or near the said road or highway throughout its whole length, and terminating by a junction with the tramway or railway secondly above described, at or near the Pandy aforesaid, in a wood No. 1,188 on the said new ordnance survey and map for the parish of Llangollen.

Power to apply corporate funds for purposes of this Act.

6. The Company may apply to the purposes of the deviation by this Act authorised any moneys which they now have in their hands, or which they have power to raise by shares or mortgage by virtue of the Act of 1870, and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to Company to raise additional capital.

7. For the purposes of the Glyn Valley Tramway (Pandy) Extension, the Company may from time to time raise any capital, not exceeding in the whole the sum of six thousand pounds, and for the purposes of the Glyn Valley Tramway (Nantyr) Extension, the Company may from time to time raise any capital not exceeding in the whole the sum of seven thousand pounds, exclusive of the moneys which they are authorised to raise by the Act of 1870, but the Company shall not issue any share of less nominal value than ten pounds; and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

8 & 9 Vict. c. 16.

- 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 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 by all parties interested;

26 & 27 Vict. c. 118.

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, shall extend and apply to the Company, and to the additional capital which they are by this Act authorised to raise.

8. Subject to the provisions contained in the immediately preceding section, the Company may from time to time raise the sum of eight thousand and twenty pounds, being the amount still unissued of the capital authorised by the Act of 1870, by the issue, at the option of the Company, of ordinary shares or stock, or preference shares or stock, or wholly or partially by any one or more of those modes respectively.

A.D. 1878.
Company may raise unissued capital by preference or ordinary shares or stock.

9. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, 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 of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth part paid up.

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

Calls.

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

Receipt in case of persons not sui juris.

12. In addition to the sum which the Company are authorised by the Act of 1870 to borrow for the purposes of that Act, the Company may from time to time, for the purposes of the Glyn Valley Tramway (Pandy) Extension, borrow on mortgage of that undertaking any sum not exceeding in the whole two thousand pounds, and they may also, for the purposes of the Glyn Valley Tramway (Nantyr) Extension, borrow on mortgage of that undertaking any sum not exceeding in the whole the sum of one thousand pounds, but no part of the said respective sums of two thousand pounds and one thousand pounds shall be borrowed until, in the case of the said Pandy Extension the whole of the capital of six thousand pounds applicable thereto, and in the case of the said Nantyr Extension the whole of the capital of seven thousand pounds applicable thereto respectively, is issued and accepted, and one half thereof is paid up, in the case of the said two extensions respectively, 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 the whole of such respective capitals has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such respective capitals has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and

Power to borrow on mortgage.

8 & 9 Vict. c. 16.

A.D. 1878. — is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and 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 shall be sufficient evidence thereof.

As to appointment of a receiver.

13. The mortgagees of the Company in respect of moneys borrowed for the purposes of the Glyn Valley Tramway (Pandy) Extension and of the Glyn Valley Tramway (Nantyr) Extension respectively may enforce payment of arrears 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 one hundred pounds in the whole.

Application of moneys.

14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only, and in the manner by this Act prescribed.

Power to Shropshire Union Company to subscribe.

15. The Shropshire Union 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 that Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking by the Act of 1870 and by this Act respectively authorised, not exceeding in the whole ten thousand pounds, including therein any moneys which have been already subscribed by them for that purpose, and that Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they now have in their hands or under their control, or which are under the control of the Joint Committee of the Shropshire Union Company and the London and North-western Railway Company acting in pursuance of the agreement between the said two Companies, dated the twenty-fifth day of March one thousand eight hundred and fifty-seven, scheduled to and confirmed by the London and North-western Railway (Additional Powers) Act, 1861, or which the Shropshire Union Company are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and the said Company shall, in respect of the sums subscribed or to be subscribed, and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which

24 & 25 Vict. c. ccviii.

shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the Shropshire Union Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

A.D. 1878.

16. 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 one acre.

Lands for extraordinary purposes.
8 & 9 Vict.
c. 20.

17. 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 compulsory purchase of lands.

18. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of six hundred and fourteen pounds, being five per cent. upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the same for the public conveyance of passengers: Provided, that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade, specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, the said Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Deposit money not to be paid except so far as line is opened.

A.D. 1878.

Application
of deposit.

19. If the Company do not, previously to the expiration of the period limited for the completion of the tramways, complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that, until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Mode of
formation of
tramways on
road.

20. The tramways shall be constructed of the same gauge as the existing tramways of the Company, and where the same are intended to be made along or across any road, the same shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

21. The provisions contained in the following sections of the Act of 1870 shall extend and apply to the Company and to the tramways authorised by this Act; (that is to say), sections sixty, sixty-one, and sixty-five to seventy-four, both inclusive.

A.D. 1878.
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Certain provisions of Act of 1870 to apply this Act.

22. If the tramways by this Act authorised are not completed within four years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

23. Subject to the provisions herein contained, the lands and property from time to time acquired by the Company by virtue of this Act, and the tramways and works connected therewith by this Act authorised to be constructed, shall for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, except as herein-after provided, be part of the undertaking, tramways, works, and property of the Company, as if the Company had by the Act of 1870 been authorised to acquire, make, and maintain the same.

New lines of tramway to be part of Company's undertaking.

24. The Company, in addition to any other tolls, rates, or charges which they can lawfully demand and recover, may demand and recover for loading and unloading, and for the warehousing, standing, and wharfage of goods, or for any other services performed by them not incidental to the business or duty of a carrier, where such services are performed by the Company, such reasonable sum or sums as they may think fit.

Power to Company to charge for warehousing goods, &c.

25. With respect to consignments of articles of great weight or length, the Company may for the carriage of any such article which by reason of its length or weight may require more than one carriage demand and recover such sum as they think fit.

Provision as to articles of great weight or length.

26. The undertaking of the Company shall be divided into three sections, one section consisting of the tramways and works authorised by the Act of 1870, and of the deviation authorised by this Act, and which shall be called "the Glyn Valley Tramways," the Glyn Valley Tramway (Pandy) Extension, consisting of the Tramway No. 2 by this Act authorised, and the Glyn Valley Tramway (Nantyr) Extension, consisting of the tramway and road numbered 3 and 4 respectively, by this Act authorised, which two last-mentioned sections and the lands and property from time to time vested in the Company for the purposes of the same are hereby constituted separate undertakings distinct and apart from all other undertakings and works of the Company.

Division of undertaking of the Company into three sections.

A.D. 1878.

As to
management
of separate
under-
takings.

27. The directors of the Company shall have the management and superintendence of the affairs of the said separate undertakings, and they and any committees appointed by them for the purposes of those undertakings shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the existing undertaking of the Company.

As to capital
of separate
under-
takings.

28. The capital of the Company for the purposes of "the Glyn Valley Tramway (Pandy) Extension" shall be six thousand pounds, and shall be called "Glyn Valley Tramway (Pandy) Extension Shares," and the capital of the Company for the purposes of "the Glyn Valley Tramway (Nantyr) Extension" shall be seven thousand pounds, and shall be called "Glyn Valley Tramway (Nantyr) Extension Shares."

Votes at
meetings of
the Com-
pany.

29. At all meetings of the Company the proprietors of shares or stock in the three sections of the Company's undertaking shall only be entitled to vote in respect of matters specifically affecting the section or sections of the undertaking of which they are proprietors.

Separate
accounts.

30. The Company shall keep accounts of all receipts, credits, payments, and liabilities from, for, or on account of each of the said two separate undertakings, separate and distinct from the receipts, credits, payments, and liabilities from, for, or on account of the Company's existing undertaking.

Moneys to
be applied
only to pur-
poses of
section of
undertaking
for which
they were
raised.

31. All moneys from time to time received by the Company on account of capital or revenue with respect to any one section of the Company's undertaking shall be applied to the purposes of that section only; and all moneys received on behalf of the three sections or any two of them, and all debts, liabilities, and obligations incurred by the Company on account of the three sections or any of them, shall be fairly apportioned by the Company according to the respective rights and interests, and debts, liabilities, and obligations of the sections in respect of which such moneys have been received or such debts, liabilities, and obligations have been incurred: Provided always, that the general expenditure and liabilities for the management of the undertaking of the Company shall be fairly apportioned between the said sections respectively.

Profits of
each section
to be applied
to dividend
on each
section.

32. The Company's profits applicable to the payment of dividend which appear on the separate accounts directed to be kept as aforesaid in respect of each of the said sections shall be the only fund applicable to the payment of dividend on the shares in the capital for such section, and shall be applied accordingly.

[41 & 42 VICT.] *Glyn Valley Tramway Act, 1878.* [Ch. ccxxxvii.]

33. The Company on the one hand and the Shropshire Union Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management by the Shropshire Union Company of the tramways authorised by the Act of 1870 and by this Act, or any part thereof, and of the works connected therewith, or any of them:

The use or working of such tramways, or of any part thereof, and the conveyance of traffic thereon:

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic.

34. After the opening of the separate undertakings for traffic, unless the proprietors of shares or stock in any of the separate undertakings shall determine to work their undertaking themselves, which they are hereby authorised to do, the Company or the Shropshire Union Company, as the case may be, shall work the said separate undertakings and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by such separate undertakings, and no terminals shall be charged in respect of traffic passing from any one or more of the said sections to another of them; and in case any difference shall arise between the Company and any of the proprietors of stock or shares in the separate capitals with respect to the working or non-working or insufficient working by the Company or the Shropshire Union Company, as the case may be, of the separate undertakings, or any of them, or otherwise in relation thereto, whereby the holders of such shares or stock deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and such arbitrator shall have full power to settle and determine any such difference, and to order the Company or the Shropshire Union Company, as the case may be, to do or to abstain from doing all such matters and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just.

35. The Shropshire Union Company may, by writing under their common seal, nominate two directors of the Company, and they may from time to time, in the same way, remove the directors so appointed and appoint other persons in the stead of such directors who shall be so removed, or shall die, resign, or become incapable

A.D. 1878.

Working and traffic arrangements with the Shropshire Union Company.

26 & 27 Vict. c. 92.

36 & 37 Vict. c. 76.

Separate undertakings to be fairly worked.

Power to Shropshire Union Railways and Canal Company to appoint two directors,

A.D. 1878.

of acting, and it shall not be necessary for the directors so appointed to hold any shares in the undertaking; and the said directors shall not go out of office in the manner provided for with respect to directors to be appointed by the shareholders of the Company, but in all other respects they shall have the same powers and be subject to the same regulations and provisions (except as aforesaid) as the other directors of the Company.

Votes of
Shropshire
Union
Company
at general
meetings.

36. The Shropshire Union Company, whilst shareholders of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company; and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the Shropshire Union Company.

Agreement
between the
Wem and
Bronygarth
Road
trustees
and the
Company
confirmed.

37. Subject to the provisions herein-after contained, the agreement between the trustees of the Wem and Bronygarth Roads of the one part and the Company of the other part, which is set forth in the Schedule to this Act, is hereby confirmed and made binding on the parties thereto, and full effect may and shall be given thereto; and the moneys payable to the trustees under the said agreement shall be applied by them towards the payment of their outstanding debts, if any, and towards the expenses of repairing, improving, and maintaining the roads forming the second district under their control, having regard in the first instance to the requirements of the roads upon which the tramways are laid: Provided always, that the trustees shall not be bound to apply the same to the repairs of the portion of the roads occupied by the tramways, or any part thereof: Provided also that inasmuch as the said agreement was made in contemplation of the Company obtaining power under this Act to work the tramways authorised by the Act of 1870 and by this Act by steam or other mechanical power, the period stipulated by article third of the said agreement for payment by the Company to the trustees of the sum of one thousand pounds shall be extended and postponed until such power shall have been obtained by the Company, in which event the said sum shall become payable and be paid within six months after the Company shall have been duly authorised to work the said tramways respectively by steam or other mechanical power, and the said agreement shall be read and construed accordingly.

33 & 34 Vict.
c. 78.

Application
of provisions
of 17 & 18
Vict. c. 31.,
36 & 37 Vict.
c. 76., and
37 & 38 Vict.
c. 40.

38. The provisions of the Railway and Canal Traffic Act, 1854, and of the Regulation of Railways Acts, 1873 and 1874, shall apply to the Company as if they were a railway or canal company, and to the tramways authorised by the Act of 1870 and by this Act as if those tramways were railways or canals.

[41 & 42 VICT.] *Glyn Valley Tramway Act*, 1878. [Ch. ccxxxvii.]

39. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of 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.

A.D. 1878.
Interest not
to be paid
out of
capital.

8 & 9 Vict.
c. 16.

40. 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 tramway or execute any other work or undertaking.

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

41. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways, 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 tolls or charges authorised by the Act of 1870 and by this Act.

Company
not exempt
from pro-
visions of
present or
future
general
Railway
Acts.

42. All the 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.

Expenses
of Act.

A.D. 1878.

SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the eleventh day of March 1878, between the TRUSTEES of the WEM AND BRONYGARTH ROADS (herein-after called "the trustees") of the one part, and the GLYN VALLEY TRAMWAY COMPANY of the other part.

Whereas by an agreement, dated the seventh day of April 1870, and made between the trustees of the first part, and the Ellesmere and Glyn Valley Railway Company (herein-after called "the Company") of the second part, after reciting, amongst other things, that the Company were then promoting in Parliament a Bill for enabling them (amongst other things) to lay down, construct, maintain, and work a tramway (in the said Bill called "Tramway No. 2") which for the greater part of its length would be laid down upon one side or other of the turnpike road belonging to the trustees, being No. 1 of the second district described in section 11 of the Wem and Bronygarth Roads Act, 1860, leading from Chirk to Llansaintffraid Glyn Ceiriog, all in the county of Denbigh; and that the trustees had, subject to the approval of Parliament, and as far as they lawfully could do so, and upon the terms and conditions therein expressed, agreed, upon the application of the Company, to permit the Company to lay down, construct, maintain, use, and work portions of the said Tramway No. 2 in perpetuity upon so much of the said road as aforesaid, in the line and upon the levels shown upon the deposited plans and sections; it was thereby witnessed (amongst other things), (1.) that, subject to the conditions of the agreement now in recital and to the provisions of the Act then about to be obtained if the said Bill should pass into an Act, the Company might forthwith, after the passing of the same, lay down and construct along one side of the said road, and they might also maintain and work in perpetuity portions of the said Tramway No. 2 upon the said road from Chirk to Llansaintffraid Glyn Ceiriog to the extent and in the lines and according to the levels shown upon the deposited plans, and in such manner and subject to such regulations as might be prescribed by the said Act; and it was thereby provided that such tramway should be worked by horse-haulage only, and without prejudice to the right of the trustees or their successors to object to and also to oppose any application to Parliament in the present or any future session for power to use any further portion of their roads, or to work the said tramway by locomotive or other than horse power. (2.) That as the consideration for the power, right, and privilege therein-before granted to the Company they should and they thereby granted and also engaged and bound themselves to pay to the trustees and their successors, as a minimum rent or rentcharge, the sum of one hundred and fifty pounds yearly on the days and in manner therein mentioned, such rent to take precedence of all other charges and burdens upon the undertaking and revenues of the Company, excepting only the costs and expenses of working, maintaining, and management; and

also to fulfil the whole conditions and provisions which should be prescribed by Parliament in the Act authorising the construction of the said tramway with regard to the use and maintenance of the portion of the road on which the said tramway should be laid; and provision was thereby made for an increase and diminishment of the said minimum rent or rentcharge in the proportions therein mentioned, and for recovery of such rentcharge and increase and diminishment as therein contained; and whereas the said Bill passed into an Act, and received the royal assent on the tenth day of August 1870, and the Company was thereby incorporated by the name of "The Glyn Valley Tramway Company," and the herein-before recited agreement was scheduled thereto and confirmed thereby; and the Tramway No. 2 has been constructed and has been worked by animal power; and whereas the Glyn Valley Tramway Company (herein-after called "the Company") are now promoting in Parliament "A Bill to confer further powers on the Glyn Valley Tramway Company, and for other purposes," which, if passed into an Act, will enable the Company, amongst other things, to construct, maintain, and work additional tramways, and also the tramways authorised by the Act of 1870, by steam and locomotive power; and whereas the cost of working, maintaining, and managing the said tramway has proved to be greatly in excess of the receipts arising from the traffic thereon, and consequently there has been no fund available for payment to the trustees of the annual maximum rent of one hundred and fifty pounds stipulated by the agreement before recited; and whereas it has been ascertained that, while the cost of working the said tramway by horse power is so great as to prevent the undertaking from being worked with profit, this mode of working is wholly inadequate to meet the growing requirements of the district accommodated by the tramway, and it is therefore desired by the inhabitants of the district that a more efficient means of working the traffic should be established; and whereas negotiations have lately taken place between the Company and the trustees for a discharge of all claims by the trustees in respect of the said annual sum of one hundred and fifty pounds in consideration of the Company agreeing to pay to them the sum herein-after provided, in the event of the Bill now pending before Parliament as aforesaid passing into a law; and whereas the trustees will thereby be enabled to repair the road along one side of which the said tramway passes, which road has from want of funds fallen into a state of great disrepair; and whereas, as the result of these negotiations, it has been mutually agreed between the trustees and the Company as herein-after appears: Now these presents witness, and it is hereby mutually agreed between the trustees and the Company:

1. That the trustees will not in any way oppose the Bill now being promoted by the Company as aforesaid in any of its stages.

2. That, subject to the provisions of the Act, if the said Bill shall pass into an Act, the Company may forthwith after the passing of the same make and maintain the said Tramway No. 2, authorised by the said Act of 1870, as varied by the said intended Act, and may work the same by steam and locomotive powers, and in such other manner as may be prescribed by the said Act.

3. That the Company shall, in the event of the said Bill passing into an Act, and within six months after the royal assent shall have been given thereto, pay to the trustees the sum of one thousand pounds sterling, and in consideration

[Ch. ccxxxvii.] *Glyn Valley Tramway Act*, 1878. [41 & 42 VICT.]

thereof, the Company shall from the date of such payment be for ever thereafter released and discharged from the payment of the minimum rent or rentcharge made payable by the said recited agreement of the seventh day of April 1870, and from all past and future claims and demands in respect thereof.

4. That the said recited agreement of the seventh day of April 1870, except so far as the same is altered and varied by these presents, is hereby confirmed, and shall remain in full force and effect.

5. That this agreement shall be scheduled to and confirmed by the said Bill now before Parliament.

6. That in case the said Bill shall from any cause whatever not pass into law, or having passed into law, the mutual agreements herein contained shall not be fulfilled, nothing herein contained shall operate to prejudice or affect the existing rights of the trustees and the Company respectively.

7. That all the costs of this agreement and the preliminary negotiations for the same, and of carrying the same into effect, shall be borne and paid by the Company.

8. This agreement shall be contingent upon the sanction of Parliament being obtained thereto, and be subject to such alterations as Parliament may think fit to make therein.

In witness whereof the trustees, by their clerk, have set their hand, and the Company have affixed their seal hereto, on the eleventh day of March 1878.

JOHN JONES,
Clerk to the Trustees.

