



## CHAPTER lxxvii.

An Act for conferring further powers on the Wrexham  
Mold and Connah's Quay Railway Company; and for  
other purposes. A.D. 1888.  
[5th July 1888.]

**W**HEREAS by the Wrexham Mold and Connah's Quay Railway Act 1862 (hereinafter called the Act of 1862) the Wrexham Mold and Connah's Quay Railway Company (hereinafter called the Company) was incorporated with a capital of 150,000*l.* and power to borrow not exceeding 50,000*l.* and was authorised to make and maintain a railway from Wrexham to join the Buckley Railway at Buckley with branches to Frood and Moss and Gwersyllt and junctions with the Shrewsbury and Chester branch of the Great Western Railway near Wrexham station and with the Chester and Mold branch of the Chester and Holyhead Railway near Hope station and by subsequent Acts the powers of the Company have been extended:

And whereas by the Buckley Railway Act 1860 (hereinafter called the Act of 1860) the Buckley Railway Company (hereinafter called the Buckley Company) was incorporated and authorised to make railways from Buckley to Connah's Quay in the county of Flint to connect with the Chester and Holyhead Railway and by subsequent Acts the powers of the Buckley Company have been extended:

And whereas by the Wrexham Mold and Connah's Quay Railway Company's Act 1873 the undertaking of the Buckley Company was vested in the Company by way of lease for a term of 1,000 years from the 30th day of June 1873 in manner therein provided:

And whereas by the Wrexham Mold and Connah's Quay Railway Act 1882 (hereinafter called the Act of 1882) the Company were authorised to construct new railways and other works and it was thereby enacted that those new railways and works should with respect to capital revenue and outlay be carried on as a separate and distinct undertaking of the Company and the Company were thereby authorised to raise additional capital for the purposes of



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A.D. 1888. — the separate undertaking not exceeding 270,000*l.* and to borrow in respect of that additional capital not exceeding 90,000*l.* :

And whereas by the *Wrexham Mold and Connah's Quay Railway Act 1883* (hereinafter called the Act of 1883) the Company was authorised to construct new railways and other works and it was thereby enacted that the capital to be raised under that Act for the purposes of the works by that Act authorised should be deemed to be in addition to the separate and distinct capital authorised to be raised by the Act of 1882 and as if it were part of that capital and as if the railways authorised by that Act formed portions of the railways and works authorised by the Act of 1882 and the enactments contained in section 18 and sections 20 to 30 (both numbers inclusive) of the Act of 1882 were made applicable to the capital and shares authorised to be raised under the Act of 1883 and the Company were thereby authorised to raise additional capital for the purposes of the railways and works by that Act authorised not exceeding 75,000*l.* and to borrow in respect of that additional capital, not exceeding 25,000*l.* :

And whereas it has become unnecessary to construct a portion of Railway No. 3 and Railway No. 4 and a portion of Railway No. 9 authorised by the Act of 1882 and it is expedient that the Company be authorised to abandon that railway and those portions of railways :

And whereas it is expedient that the powers granted by the Act of 1882 for the compulsory purchase of the lands required for the purposes of some of the railways and works authorised by that Act which have not yet been constructed should be revived and renewed and the period for the completion of those railways and works extended :

And whereas it is expedient that the Company be empowered to make the new roads and other works and to stop up the roads streets and footpaths in this Act mentioned and to acquire for the purposes of the works by this Act authorised and for other purposes connected with their undertaking the lands and buildings in this Act mentioned or referred to :

And whereas by the *Wrexham Mold and Connah's Quay Railway (Capital Arrangements) Act 1883* (hereinafter called the Capital Arrangements Act) the Company were authorised to create and issue debenture stock of two classes called "A" and "B" debenture stock respectively not exceeding 175,000*l.* of each class and bearing interest at a rate not exceeding 4*l.* per centum per annum and also 387,750*l.* consolidated stock in substitution for the then existing preference stock and ordinary share capital of the Company and the Company were by the same Act also authorised to create and issue in addition to the 175,000*l.* of "A" debenture stock thereby

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authorised to be created and issued such further amounts of "A" debenture stock not exceeding in the whole 105,090*l.* bearing interest at a rate not exceeding 4*l.* per centum per annum as should be accepted by the debenture holders and the holders of preference or ordinary shares in the Buckley Railway Company in lieu of debentures and shares in that Company :

And whereas the whole of the said sum of 105,090*l.* "A" debenture stock may not be required for the purposes for which it was authorised to be created and it is expedient that the Company be nevertheless authorised to create and issue the whole of the said sum of 105,090*l.* "A" debenture stock and to apply the surplus (if any) which may not be required for such conversion of the Buckley Railway debentures and stock into "A" debenture stock of the Company to the general purposes of their undertaking :

And whereas the following is a statement of the present authorised debenture stock and share capital of the Company and the amounts thereof which have been issued :—

Shares.	Amount authorised.	Amount issued.	Debentures.	Amount authorised.	Amount issued.
	£	£		£	£
Original Capital.					
Consolidated stock -	387,750	387,669	A debenture stock	175,000	174,989
			A debenture stock to be created in lieu of debentures and shares of the Buckley Railway Company -	105,090	
			B debenture stock	175,000	157,766
Separate Capital.					
Shares -	345,000	116,000	Debentures -	115,000	—
Total -	732,750	503,669	Total -	570,090	332,755

And whereas it is expedient that the consolidated stock of the Company authorised and created by the Capital Arrangements Act and the separate share capital authorised by the Act of 1882 and the Act of 1883 should be cancelled and the provisions relating thereto in those Acts should be repealed and in lieu thereof a consolidated preference and ordinary stock should be issued to and accepted by the consolidated stock holders and shareholders in the separate capital of the Company and that the balance of share



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A.D. 1888. — capital unissued under the Acts of 1882 and 1883 respectively should be converted into consolidated preference and ordinary stock and that the sum of 90,000*l.* authorised to be raised by borrowing under the Act of 1882 and the sum of 25,000*l.* authorised to be raised under the Act of 1883 should be raised by the creation of debenture stock as hereinafter provided and the holders of more than three-fourths in value of the consolidated stock and of the shares in the separate share capital authorised as aforesaid have respectively consented in writing thereto :

And whereas it is expedient that the period limited by the Act of 1883 for the compulsory purchase of lands and for the completion of the railways by that Act authorised should be respectively revived and extended :

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale lease or other disposal of lands acquired by the Company which are not or eventually may not be required for the purposes of their undertaking :

And whereas it is expedient that the Company should be empowered to provide maintain and conduct hotels refreshment rooms and other like accommodation at or connected with any station on their railway and that provision as hereinafter contained should be made in relation to the matters aforesaid :

And whereas it is expedient that the Company be authorised to appoint a harbour master and other officers for the better regulation and control of the vessels coming to and going from or mooring in and at the harbour quays docks and wharves of the Company and of the trade and traffic of the Company at their quays docks and wharves on the river Dee and for the more efficient carrying on of the trade and traffic of the Company thereat :

And whereas plans and sections showing the respective lines and levels of the railways new roads and other works by this Act authorised to be made and plans of the lands by this Act authorised to be acquired and books of reference to those plans have been deposited with the clerks of the peace for the several counties of Denbigh and Flint within which those lands are situate which plans sections and books of reference are in this Act referred to as the deposited plans deposited sections and deposited books of reference :

And whereas it is expedient that some of the powers and provisions of the existing Acts relating to the Company should be altered amended extended and enlarged and that such further powers should be granted to the Company as are hereinafter mentioned :



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And whereas the several purposes aforesaid cannot be effected without the authority of Parliament: A.D. 1888.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited for all purposes as the *Wrexham Mold and Connah's Quay Railway Act 1888.* Short title.

2. The following enactments (as far as the same respectively are applicable for the purpose of and not varied by or inconsistent with this Act) are hereby incorporated with this Act (namely):— Incorporation of general Acts.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

The Railways Clauses Consolidation Act 1845;

Parts I. and II. of the Railways Clauses Act 1863 relating respectively to construction of a railway and to extension of time;

Part III. of the Companies Clauses Act 1863 relating to debenture stock;

The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the construction of warehouses wharves and other conveniences the appointment of harbour masters dock masters and pier masters and their duties and the bye-laws to be made by the undertakers.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant thereto and in and for the purposes of this Act the expression "the railways" means the railways by this Act authorised and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. Interpretation.

4. The Company shall abandon the construction of the following railway and portions of railways authorised by the Act of 1882 (namely):— Company may abandon certain authorised railways.

(1) So much of Railway No. 3 as lies between a point one mile and three chains or thereabouts from the commencement of that railway measured along the centre line thereof as shown

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on the deposited plans referred to in the Act of 1882 and the termination thereof as shown on those plans ;

(2) Railway No. 4 ;

(3) So much of Railway No. 9 as lies between the commencement thereof and a point 1 mile 2 furlongs and 7 chains or thereabouts therefrom measured along the centre line of that railway as shown on the deposited plans referred to in the Act of 1882.

Compensation for damage to land by entry, &c. for purpose of railways abandoned.

5. The abandonment by the Company under the authority of this Act of any railway or portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway or works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1882.

Compensation to be made in respect of railways abandoned.

6. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railways and works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to Company to make new roads and other works.

7. Subject to the provisions of this Act the Company may make in the lines shown on the deposited plans relating thereto and so far as the same are shown on the deposited sections according to the levels shown thereon the new roads and footpath and alterations of roads and other works hereinafter described with all proper works and conveniences connected therewith and they may exercise the other powers hereinafter mentioned and may enter upon take and use such of the lands delineated on the deposited plans and



described in the deposited books of reference as may be required for this purpose (that is to say):— A.D. 1888.

- (1) They may stop up and discontinue so much of the public road or street in the township of Wrexham Abbot in the parish of Wrexham commonly called Watery Lane as lies between a point on Watery Lane 40 yards or thereabouts measured in a westerly direction from the junction of Watery Lane with Pentrefelin and Belle-vue Road and a point where Watery Lane is crossed by the Great Western Railway on the level and in lieu thereof may make a new road to be situate wholly in the said township of Wrexham Abbot in the parish of Wrexham and commencing by a junction with Watery Lane at or near the first-mentioned point and terminating at the point where Watery Lane is now crossed by the Great Western Railway on the level ;
- (2) They may stop up and discontinue so much of Bradley Road in the townships of Wrexham Regis and Wrexham Abbot in the parish of Wrexham as lies between the point where that road crosses the brook Gwenfwro and the point where that road joins Watery Lane and may make or construct in lieu thereof a new road from the point where Bradley Road crosses the brook Gwenfwro and a point 150 yards or thereabouts measured in a south-westerly direction therefrom ;
- (3) They may stop up and discontinue in the parish of Wrexham so much of the public footpath leading from the western end of the road known as Catherall's Lane to the road leading to Southsea from the main road from Wrexham to Mold as lies between the western end of Catherall's Lane and a point on the said footpath measured 82 yards or thereabouts along that footpath in the direction of Rhydd Broughton from the western end of Catherall's Lane and in lieu thereof they may make a new footpath situate wholly in the parish of Wrexham commencing at the western end of Catherall's Lane and terminating at a point 82 yards or thereabouts measured in a westerly direction from the western end of Catherall's Lane ;
- (4) They may stop up and discontinue a footpath situate in the parish of Wrexham in the county of Denbigh commencing on the westerly side of and near to the bridge carrying the main road leading from Wrexham to Mold over the Great Western Railway and extending in a southerly direction along the western boundary fence of the Great Western Railway and terminating at the western end of the road known as Catherall's Lane ;
- (5) They may stop up and discontinue the public road in the township of Gwersyllt in the parish of Gresford in the county of Denbigh leading from the main road from Wrexham to



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Mold at a point 345 yards or thereabouts measured in a northerly direction along that main road from the centre of the bridge carrying that main road over the Wheatsheaf and Ffrwd branch of the Great Western Railway to the road distinguished on the 25 inch scale Ordnance map of that county by the number 381 in the township of Gwersyllt and in lieu thereof they shall make a footpath between those two points and shall maintain the existing footbridge to carry that footpath over the railway and may make a new road to be situate wholly in the township of Gwersyllt in the parish of Gresford and to commence by a junction with the said road numbered 381 on the Ordnance map aforesaid at a point where the road so proposed to be stopped up joins the said road numbered 381 and to terminate by a junction with the main road leading from Wrexham to Mold at or near the south-west corner of Gwersyllt Park Wall :

Provided always that the Company shall not stop up any of the roads or footpaths by this section authorised to be stopped up until they shall have in each case completed to the satisfaction of two justices and opened to the public the new roads or footpath by this section authorised to be made in lieu of the roads or footpaths so to be stopped up.

Site of ways  
stopped up to  
vest in  
Company.

8. The site and soil of the roads and footpaths by this Act authorised to be stopped up and discontinued and the fee simple and inheritance thereof shall when and as soon as the new roads and footpath authorised by this Act and substituted for and in lieu of the roads and footpaths authorised to be stopped up respectively are opened for traffic be vested in the Company so far as the Company are the owners of the lands on both sides thereof at the time of the stopping up of such roads and footpaths respectively and all rights of way over or along such several roads and footpaths or portions thereof and over any of the lands which shall be acquired under the compulsory powers of this Act shall be and the same are as from the stopping up or acquisition thereof respectively by this Act extinguished.

Substitution  
of new street  
at Wrexham  
in lieu of  
street autho-  
rised by the  
Act of 1882.

9. Whereas it has been found more convenient to the public that a new street or road should be constructed from Hill Street to Vicarage Hill instead of the new street shown on the deposited plans and referred to in section 4 of the Act of 1882 and in lieu of the widening of a street in the town and borough of Wrexham called Priory Street authorised by the Act of 1882 and accordingly a new street or road from Hill Street to Vicarage Hill has by agreement with the mayor aldermen and burgesses of the borough



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of Wrexham acting by the town council as the urban sanitary authority of the said borough been constructed by the Company in lieu thereof: Be it enacted that the said new street so constructed shall be in substitution for the new street and for the widening of Priory Street described on the deposited plans and referred to in section 4 of the Act of 1882 and the Company may stop up and discontinue the roads streets and public ways and sites of intended roads streets and public ways in section 6 of the Act of 1882 mentioned and described and the site and soil thereof shall be and is hereby vested in the Company so far as the Company are the owners of the land on both sides thereof and all rights of way over or along such several roads streets or public ways or portions thereof and over any of the lands which have been acquired under the compulsory powers of the Act of 1882 shall be and the same are by this Act extinguished.

**10.** Subject to the provisions of this Act the Company may alter and raise the levels of Vicarage Hill in the townships of Wrexham Abbot Wrexham Regis and Esclusham Below in the parish of Wrexham in the county of Denbigh shown on the deposited plans to the extent shown on the deposited sections and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

Alteration of  
street at  
Wrexham.

**11.** Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to take may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith and for providing increased accommodation and for extending their stations station approaches and other works and conveniences for the accommodation of their traffic and for other purposes of their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto :

Power to  
Company to  
acquire addi-  
tional lands  
for general  
purposes.

Certain lands houses and buildings situate wholly in the township of Wrexham Abbot in the parish of Wrexham in the county of Denbigh on the northerly side of Abbot Street in the town and borough of Wrexham lying between Harrison's Court and the Welsh Harp Inn ;

Certain lands houses and buildings situate wholly in the township of Stansty in the parish of Wrexham in the county of Denbigh lying on the east side of the Great Western Railway and bounded on the west side by that railway and on the east side by Rhosddu Road ;



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A.D. 1888. Certain lands houses and buildings in the township of Wepre in the parish of Northop in the county of Flint lying between and bounded by the river Dee on the north the Chester and Holyhead Railway on the south Wepre Gutter on the east and the railway and wharves of the Company on the west side thereof.

Power to  
make works.

12. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways new road and other works hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railways and new road hereinbefore referred to and authorised by this Act are:—

A railway (No. 1) 1 furlong 2·27 chains in length being so much of Railway No. 2 authorised by the Act of 1882 as lies between the commencement thereof shown on the deposited plans referred to in that Act and a point in the township of Gwersyllt in the parish of Gresford on the Plaspower branch of the Company's railway ;

A railway (No 2) 3 furlongs 6·60 chains in length being the Railway No. 8 authorised by the Act of 1882 commencing in the township of Hope Owen in the parish of Hope in the county of Flint by a junction with the Company's railway at or near the signal-box at the Penyffordd station and terminating in the said township of Hope Owen and parish of Hope by a junction with the Chester and Mold branch of the London and North-Western Railway ;

A railway (No. 3) 1 furlong 5·30 chains in length being so much of Railway No. 9 authorised by the Act of 1882 as lies between a point in the township of Shotton in the parish of Hawarden in the county of Flint 1 mile 2 furlongs and 7 chains measured along the centre line of that railway from the commencement thereof shown on the deposited plans referred to in that Act and a point in a field in the township of Saltney in the parish of Hawarden in the county of Flint called the Nine Acre field situate between the river Dee and the Chester and Holyhead branch of the London and North-Western Railway ;

A railway (No. 4) 6 furlongs 2·70 chains in length being the Railway No. 11 authorised by the Act of 1882 commencing in the township of Saltney in the parish of Hawarden in the county of Flint by a junction with the last above described



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railway at the termination thereof and terminating in the township of Wepre in the parish of Northop in the county of Flint at a point 220 yards or thereabouts measured in an easterly direction from the north-east corner of the old landing-stage belonging to the Connah's Quay Alkali Works;  
A railway (No. 5) 1 furlong 6·40 chains in length being the Railway No. 13 authorised by the Act of 1882 commencing in the township of Shotton in the parish of Hawarden in the county of Flint in an enclosure or garden adjoining and on the north side of the main road leading from Flint to Chester by a junction with the Railway (No. 3) above described and terminating in the township of Saltney in the parish of Hawarden by a junction with the Chester and Holyhead branch of the London and North-Western Railway;  
A new road being the new road described in section 4 of the Act of 1882 and shown on the deposited plans and sections referred to in that Act wholly situate in the township of Stansty in the parish of Wrexham in the county of Denbigh commencing at the junction of the road leading from Wrexham to Stansty with the road leading from the last-mentioned road to the Chester Road and terminating by a junction with the public road leading from Stansty to Gresford and Rhos Robin.

**13.** The Company may from time to time make and maintain in connection with the above-mentioned works or any or either of them all necessary and convenient stations gates approaches transit sheds bonding or other warehouses sheds quays wharves wharf walls river walls embankments jetties groynes shipping-places staiths stairs stages tramways sidings junctions machinery cranes drops and other works and conveniences.

Power to make accessory works.

**14.** Any works to be constructed laid down or executed by the Company in exercise of the powers conferred by this Act or any other powers in that behalf as also the repairs or renewals thereof crossing being in close proximity to or in any way affecting any mains pipes lands or property at any time or times belonging to or used or occupied by the Wrexham Waterworks Company or any of the works of such Waterworks Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Waterworks Company and according to plans and at such times as shall be reasonably approved by him before any such works are begun (except in cases of emergency arising and then as soon as possible after the beginning of the work or the necessity for the same has arisen) but in all things at the expense of the Company and so as to cause no injury

Protection of works and property of the Wrexham Waterworks Company.



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to any such mains pipes works lands or property or interference with any works lands or conveniences connected therewith and if any such injury shall arise to any such mains pipes works conveniences lands or property or interference with the construction laying down execution repair renewal or use of any works of the said Wrexham Waterworks Company the Company shall make full compensation to the said Waterworks Company in respect of any such injury or interference the amount of such compensation to be recoverable with full costs by the said Waterworks Company from the Company by all and the same means as any simple contract debt is or may be recoverable.

For protec-  
tion of  
River Dee  
Company.

**15.** Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not construct any quay wharf wharf wall or river wall embankment or other work or erection whatsoever under this Act except in accordance with the line of wharf frontage which may be settled under an agreement dated first August one thousand eight hundred and eighty-seven and made between the River Dee Company of the first part Benjamin Piercy and Henry Robertson of the second part and the Company of the third part a copy of which agreement is contained in the schedule to this Act and the Company shall not enter upon take or acquire any rights to or in or use except temporarily any portion of the bed or shore of the River Dee beyond such line of frontage for the time being and nothing in this Act contained shall alter prejudice or affect the said agreement or the rights of the River Dee Company thereunder.

Saving the  
rights of the  
River Dee  
Company.

**16.** Nothing in this Act contained shall in any way diminish take away alter prejudice or affect any right title estate or interest jurisdiction power franchise or royalty which the company of proprietors of the undertaking for recovering and preserving the navigation of the River Dee (in this Act referred to as the River Dee Company) may have or be entitled to at the time of the passing of this Act but all such rights title estate interest jurisdiction powers franchises and royalties shall continue to be held used and enjoyed by the River Dee Company as fully and freely as if this Act had not been passed.

Re-enactment  
of section 12  
of Act of 1882  
for protection  
of London and  
North-Western  
Railway  
Company.

**17.** Nothing in this Act shall be construed to repeal alter prejudice or affect any of the provisions contained in section 12 of the Act of 1882 for the protection of the London and North-Western Railway Company but that section shall apply to the Railways Nos. 2 3 4 and 5 respectively authorised by this Act in lieu of the railways respectively referred to in that section as if that



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section had been in this Act re-enacted with reference to the said A.D. 1888.  
Railways Nos. 2 3 4 and 5.

**18.** In constructing the works by this Act authorised the Company may (subject to the provisions of this Act and except where otherwise provided) deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works other than the railways as shown on the said sections to any extent not exceeding five feet upwards and ten feet downwards but not so as to increase the rate of inclination of any road or footpath as shown on the deposited plans: Provided that no deviation below high-water mark either lateral or vertical shall be made without the consent in writing of the Board of Trade. Limits of deviation.

**19.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege required for the purposes of this Act (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

**20.** The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding five acres but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands taken under the powers of this section. Lands for extraordinary purposes.

**21.** 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.

**22.** If the railways and works by this Act authorised are not completed within five 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 respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed. Period for completion of works.

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Railway  
deposit fund  
not to be  
repaid except  
so far as  
railway  
opened.

**23.** 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 20 three hundred and seventy-nine pounds eleven shillings and sixpence two pounds ten shillings per centum annuities being equal to four per centum upon the amount of the estimate in respect of the works other than the railways authorised by this Act (herein-after referred to as "the Roads Deposit Fund") and two thousand and seventy-five pounds nine shillings like annuities being equal to five per centum upon the amount of the estimate in respect of the railways authorised by this Act (herein-after referred to as "the Railway Deposit Fund") have been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act: Be it enacted that notwithstanding anything contained in the said recited Act the railway deposit fund or the balance thereof as the case may be 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 railways open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Court shall on the application of the depositors or the majority of them order the portion of the railway 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.

Release of  
roads deposit  
fund.

**24.** On the application of the depositors at any time after the passing of this Act the Court may and shall order that the roads deposit fund and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.



25. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the railway 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 railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act or the recited Act for the purposes of the railways 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 Court may seem fit and if no such compensation is payable or if a portion of the railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway 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 Court thinks fit to order on the application of the Solicitor to 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 Court 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 railway deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore 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.

A.D. 1888.  
Application  
of railway  
deposit fund.

26. Subject to the provisions of section 40 of the Act of 1882 with respect to compensation to landowners and other persons injured and for protection of creditors the High Court of Justice may and shall at any time after the passing of this Act on application by the persons named in the warrant or order mentioned in the thirty-ninth section of the Act of 1882 or the survivors or survivor of them order that the nine thousand five hundred and seventy-seven pounds seven shillings and sixpence consolidated

Release of  
deposit ~~fund~~  
under Act of  
1882.



[Ch. lxxvii.] *Wrexham Mold and Connah's Quay* [51 & 52 VICT.]  
*Railway Act, 1888.*

A.D. 1888. — three pounds per centum annuities mentioned in the thirty-ninth section of the Act of 1882 together with any dividends due and payable thereon may be transferred and paid to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said nine thousand five hundred and seventy-seven pounds seven shillings and sixpence consolidated three pounds per centum annuities and the dividends thereon shall be transferred and paid to such person or persons accordingly.

Tolls on  
railways.

**27.** Subject to the provisions in this Act contained the Company may demand and receive for and in respect of the Railways Nos. 1 and 2 by this Act authorised the same tolls rates and charges as they are now empowered to receive in respect of their railway under and by virtue of the Act of 1862 and all the clauses and provisions relating to tolls and charges in that Act shall apply to those railways and for and in respect of the Railways Nos. 3 4 and 5 by this Act authorised the same tolls rates and charges as they are empowered to receive under and in respect of the Buckley Railway by virtue of the Act of 1860 and the Buckley Railway (Additional Powers) Act 1866 and all the clauses and provisions relating to tolls and charges for the use of the railways contained in those Acts shall apply to Railways Nos. 3 4 and 5 authorised by this Act.

Classification  
table to be  
open to  
inspection  
and copies to  
be sold.

**28.** The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges and (if any terminal charge is included in such account) the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing



[51 & 52 VICT.] *Wrexham Mold and Connah's Quay* [Ch. lxxvii.]  
*Railway Act, 1888.*

offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

A.D. 1888.

**29.** The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover for the warehousing and wharfage of goods (after due notice in writing to the consignee and allowing a reasonable time for removal) or for any other extraordinary services performed by them not incidental to the business or duty of a carrier such reasonable sum or sums as they may think fit but nothing herein contained shall extend or apply to coal cannel culm slack coke or cinder traffic where such traffic is delivered into the yards or sidings owned or rented by the consignor or consignee but where such coal cannel culm slack coke or cinder traffic is loaded unloaded or wharfed upon sidings or yards belonging to and in the occupation of the Company the Company may charge a sum for the use of such siding or yard not exceeding three pence per ton in respect thereof and if the said traffic shall remain on the said siding or yard for a longer period than four days (Sundays Good Friday Christmas Day and Bank Holidays excepted) the Company may charge a further reasonable sum in respect thereof.

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

**30.** Nothing in this Act contained shall be deemed or taken directly or indirectly to authorise any alteration of the tolls rates and charges demandable under the Buckley Railway Act 1860 or any other Act relating to the Buckley Railway.

Act not to affect tolls, &c. under Buckley Railway Act 1860.

**31.** If and whenever any traffic arising on the Buckley Railway is consigned by way of the Buckley Railway for shipment or otherwise to the docks wharves quays and landing places on the lands of the Buckley Company at Connah's Quay and is taken on to any of the railways quays wharves landing places or sidings of the Company then and in every such case no greater charge shall be made in respect of such traffic than could have been made if such traffic had been conveyed and accommodated solely on the railways docks wharves quays landing places or sidings of the Buckley Company.

For the protection of the traders manufacturers and others using the Buckley Railway.

**32.** All powers of the Company to create and issue shares and to raise money by mortgage or otherwise under the Act of 1882 and the Act of 1883 and not actually exercised previously to the passing of this Act are hereby cancelled extinguished and determined.

Unexercised powers of raising money extinguished.

**33.** The existing consolidated stock of the Company authorised and created by the Capital Arrangements Act and the ordinary

Creation of preference and consoli-

[Ch. lxxvii.] *Wrexham, Mold and Connaught's Quay* [51 & 52 Vict.]  
*Railway Act, 1888.*

A.D. 1888.  
dated stock  
and cancella-  
tion of exist-  
ing consoli-  
dated stock  
and shares.

and preference shares created and issued by the Company under the provisions of the Acts of 1882 and 1883 shall be and are hereby cancelled and all the provisions relating to the consolidated stock and separate capital authorised to be created by those Acts are hereby repealed and in lieu thereof the Company shall create and issue one hundred and forty-six thousand five hundred and fifty pounds perpetual four per centum preference stock and five hundred and eighty-six thousand two hundred pounds consolidated ordinary stock and shall apply the same as follows:—

- (1) In substitution for the existing consolidated stock of the Company at the rate of twenty pounds of new preference stock and eighty pounds of new consolidated ordinary stock for every one hundred pounds of such consolidated stock ;
  - (2) In substitution for the existing share capital created and issued as separate capital under the Acts of 1882 and 1883 at the rate of twenty pounds of the new preference stock and eighty pounds of the new consolidated ordinary stock for every one hundred pounds of such separate share capital ;
- and the Company shall apply the balance of such stock to the general purposes of the Company to which capital is applicable.

Interest on  
preference  
stock :

**34.** The preference stock to be created and issued under the powers of this Act shall be entitled to interest at the rate of four per centum per annum out of the profits of each year in priority to the consolidated ordinary stock of the Company but if in any year ending on the thirty-first day of December there are not profits available for the payment of the full amount of preferential interest for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Holder's not  
to vote at  
meetings of  
Company.

The holders of preference stock shall not be entitled to vote at meetings of the Company in respect of such stock.

As to  
fractional  
parts of a  
pound of  
stock.

**35.** Notwithstanding anything in this Act contained no person shall become entitled under this Act to any fractional part of a pound of stock (whether preference stock or consolidated stock) in the capital of the Company but in every case in which any person would but for this enactment have become entitled to a fractional part of a pound of any such stock the Company at their option may receive from such person such a further sum in cash as will make up an even pound or pay to such person in cash the amount of such fractional part.

Power to  
issue "C"  
debenture  
stock.

**36.** The Company may create and issue in the name of the Company in addition to the "A" and "B" debenture stock created



by the Capital Arrangements Act debenture stock to be called "C" debenture stock to be permanently charged upon the undertaking of the Company not to exceed in amount one hundred and forty-five thousand pounds bearing interest at a rate not exceeding four per centum per annum and such stock and all interest thereon shall rank next to the "B" debenture stock and the interest thereon. A.D. 1888.

**37.** The "C" debenture stock to be created under the powers of this Act or the proceeds thereof shall be applied to the general purposes of the Company to which capital is applicable. Application of "C" debenture stock.

**38.** The interest upon the "C" debenture stock hereby authorised to be created which accrues due up to the thirty-first day of December and thirtieth day of June in any year shall not be payable by the Company until the first day of February and first day of August following such dates respectively. Interest on "C" debenture stock.

**39.** Any deficiency in the income of any one year ending thirty-first December during a period of seven years from the thirty-first day of December one thousand eight hundred and eighty-eight to satisfy the interest on "C" debenture stock hereby authorised to be created shall not be made good out of the income of any subsequent year nor shall any action suit or other proceeding be commenced or continue in respect of the non-payment of interest for that period without the leave of the Chancery Division of the High Court of Justice and upon such terms as that Division may impose. Notice of the provisions of this section shall be endorsed on all certificates of "C" debenture stock. The interest on "C" debenture stock not to be cumulative.

**40.** It shall be lawful for all trustees executors and administrators trustees in bankruptcy and liquidators of companies holding any consolidated stock or shares of the Company and for the guardians and committees respectively of any infants and lunatics respectively who may hold or be entitled to any stock or shares of the Company to accept and hold new preference and consolidated stock under the provisions aforesaid. Powers to trustees and others.

**41.** All preference and consolidated stock appropriated by and issued under this Act shall vest in the persons to whom they are so issued subject to the same trusts powers provisions assignments charges liens or incumbrances as affected the consolidated stock and the preference and ordinary shares of the Company immediately before the passing of this Act and any testamentary disposition affecting such consolidated stock and shares shall be deemed to apply to the preference and consolidated stock respectively substituted for the same in pursuance of this Act. Preference and consolidated stocks to be subject to same trusts as affected original preference and consolidated stocks, &c.



[Ch. lxxvii.] *Wrexham Mold and Connah's Quay* [51 & 52 VICT.]  
*Railway Act, 1888.*

A.D. 1888.

Provision  
with respect  
to conversion  
of Buckley  
Railway  
debentures  
and shares  
into "A"  
debenture  
stock.

**42.** Notwithstanding anything in the Capital Arrangements Act contained it is hereby enacted that until the whole of the shareholders (both ordinary and preference) of the Buckley Company shall have accepted the said "A" debenture stock authorised to be created and issued to them in exchange for their respective holdings of shares in the Buckley Company the shares from time to time exchanged shall not be cancelled until all the shares have been purchased but shall for the purpose of the voting power conferred in respect of them vest in and be held by the chairman or other nominee or nominees of the Company for the time being until the whole of the shares have been purchased and when so purchased the shares shall all be cancelled.

Application  
of surplus  
"A" debenture  
stock.

**43.** As and when the Company shall from time to time substitute "A" debenture stock for any debentures preference or ordinary shares of the Buckley Company to an amount at any one time of not less than five hundred pounds and the holders thereof respectively shall accept less than the rateable proportion of "A" debenture stock attributable to the debentures preference and ordinary shares respectively for their conversion into "A" debenture stock then and in any and every such case the surplus of the "A" debenture stock or the proceeds thereof may be applied by the Company to the general purposes of their undertaking to which capital may for the time being be applicable.

Extension of  
time for  
compulsory  
purchase of  
lands under  
Act of 1883.

**44.** The powers granted to the Company by the Act of 1883 for the compulsory purchase of the lands for the purposes of that Act are hereby revived and extended and shall continue in force and may be exercised by the Company for and during a period of one year from the twenty-ninth of June one thousand eight hundred and eighty-eight.

Extension of  
time for  
completion  
of works  
authorised  
by Act of  
1883.

**45.** The time limited by the Act of 1883 for the construction and completion of the railways by that Act authorised is hereby extended for a period of three years from the twenty-ninth of June one thousand eight hundred and eighty-eight and on the expiration of that period those powers shall cease to be exercised except as to so much of those railways as shall then be completed and sections 19 and 20 of the Act of 1883 respectively shall be read and construed as if the period limited by this Act for the completion of those railways had been the period limited by the Act of 1883 for the completion thereof.

If the railways mentioned in this section be not completed within the said period of three years then on the expiration of that period the powers by this Act granted 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. A.D. 1888.

**46.** And whereas the Company have from time to time purchased or acquired lands with or without buildings thereon adjoining or near to their railway or stations belonging solely or jointly to the Company but which lands are not immediately required for the purposes of their undertaking and it is expedient that the Company should be relieved from the obligation under certain circumstances to sell the same as superfluous lands: Therefore nothing in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated with respect to the sale of superfluous lands shall until the expiration of ten years from the passing of this Act be held to apply to any lands with or without any building thereon and the appurtenances thereto acquired by the Company any part of which adjoins the Company's railway or any station thereon save and except two pieces of land in the parish of Hope in the county of Flint respectively lying between the points measured five miles and six furlongs and six miles along the Company's main line of railway from the Exchange station at Wrexham and the Company may during the said period of ten years from the passing of this Act continue to hold such lands buildings and appurtenances although not immediately required for the purposes of their undertaking and in the meantime the Company may grant leases of any such superfluous lands at such rents and for such terms of years not exceeding seven years in possession and under and subject to such covenants and conditions as the Company may think fit and a declaration by the manager or secretary for the time being of the Company shall be conclusive evidence as to the date at which such lands respectively ceased to be used for the purposes incident to or connected with the railway.

Provision with respect to certain superfluous lands of the Company.

**47.** For the purposes of their harbour docks quays and wharves on the River Dee the Company may from time to time nominate and appoint a harbour master meters weighers and other officers and may make and enforce the observance of bye-laws with respect to the regulation and management of their docks quays and wharves and the vessels and persons resorting thereto or mooring thereat and the conduct of the traffic thereat and therein.

Power to Company to appoint harbour master, &c.

**48.** The limits within which the powers of the harbour master appointed by the Company may be exercised shall comprise and include the docks quays and wharves of the Company on the river Dee and shall extend riverwards thirty yards from the line of such docks quays and wharves: Provided that such jurisdiction shall not

Limits of harbour master, &c.



[Ch. lxxvii.] *Wrexham Mold and Connah's Quay* [51 & 52 VICT.]  
*Railway Act, 1888.*

A.D. 1888. — be exercised so as to impede or interfere with traffic going up or down the River Dee to places above or below the said docks quays and wharves.

Hotels and refreshment rooms.

49. The Company may purchase or build and provide on lands acquired or to be acquired by them at Wrexham in the county of Denbigh and at Connah's Quay in the county of Flint an hotel or hotels and at or in connection with any of their stations such refreshment rooms or like accommodation as they may consider necessary for the accommodation of passengers and others using their railway and may furnish stock equip manage and conduct the same and the business thereof respectively and may employ officers managers and servants therein or in connection therewith respectively and may from time to time demise the same or any of them for terms of years not exceeding seven years in possession and may apply their corporate funds not exceeding thirty thousand pounds for those purposes or any of them.

Restrictions on displacing persons of labouring class.

50.—(1) The Company shall not under the powers of this Act or of any other Act extended by this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until :—

- (A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of such persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and
- (B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such



scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme. A.D. 1888.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as



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A.D. 1888. — aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Saving  
rights of the  
Crown in the  
foreshore.

**51.** Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore



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or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

A.D. 1888.  
—

**52.** Nothing herein contained shall alter prejudice or affect the rights of the Buckley Railway Company or in any manner alter prejudice or affect the Wrexham Mold and Connah's Quay Railway Company's Act 1873.

Saving rights of Buckley Company.

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

Interest not to be paid on calls paid up.

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

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

**55.** Nothing in this Act contained shall exempt the Company or the railways by this Act authorised from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Provision as to general Railway Acts.

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

Costs of Act.



A.D. 1888

SCHEDULE.

MEMORANDUM of AGREEMENT made the first day of August one thousand eight hundred and eighty-seven between the River Dee Company of Number 27 Clement's Lane in the City of London (herein-after called "the Vendors") of the first part Benjamin Piercy of Marchwiell Hall in the county of Denbigh Esquire and Henry Robertson of Palé in the county of Merioneth Esquire of the second part and the Wrexham Mold and Connah's Quay Railway Company (herein-after called "the Company") of the third part.

WHEREAS by the Wrexham Mold and Connah's Quay Railway Act 1882 (in which Act are incorporated the Lands Clauses Consolidation Acts 1845 1860 and 1869) the Company are authorised to make and construct a railway (being a portion of the railway distinguished on the deposited plans and sections and in that Act referred to as Railway Number 11) 6 furlongs 2·7 chains in length commencing in the township of Saltney in the parish of Hawarden in the county of Flint by a junction with Railway Number 9 by the said Act authorised at the termination of that railway and terminating in the township of Wepre in the parish of Northop at a point on the deposited plans 6 furlongs 2·7 chains measured along the centre line of the said Railway Number 11 from the commencement thereof. And by section 5 of the same Act the Company are authorised from time to time to make and maintain in connection with the works therein mentioned or any or either of them all necessary and convenient stations gates approaches transit sheds bonding or other warehouses sheds quays wharves wharf walls river walls embankments jetties groynes shipping places staiths stairs stages tramways sidings junctions machinery cranes drops dolphins moorings buoys beacons and other works and conveniences :

And whereas by an agreement bearing date the sixth day of May one thousand eight hundred and eighty-two and made between the vendors and the trustees of the late Lord Wenlock of the one part and the parties hereto of the second part of the other part the parties hereto of the second part contracted to purchase all the lands hereditaments and premises herein-after described for the sum of ten thousand pounds of which sum one thousand pounds was paid as a deposit on the execution of the now reciting agreement :

And whereas the Company require to take and use for the purposes of their said Act and of their undertaking the lands hereditaments and premises herein-after described and thereof gave notice to the parties hereto of the first and second parts and to the trustees of the late Lord Wenlock and that they were willing to treat for the purchase of the same and the Company have contracted with the parties hereto of the first and second parts for the purchase of the same for the price or sum of ten thousand pounds upon the terms and conditions herein-after mentioned :



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Now this agreement witnesseth as follows :—

1. The herein-before recited agreement of the sixth day of May one thousand eight hundred and eighty-two shall be considered void and at an end save and except that the sum of one thousand pounds acknowledged to have been paid thereunder shall by the direction of the said Benjamin Piercy and Henry Robertson testified by their signing this agreement be treated as paid by the Company to the vendors upon the signing hereof as a deposit and in part payment of the sum of ten thousand pounds herein-after mentioned The said Benjamin Piercy and Henry Robertson waiving all claims (if any) under the said agreement to the said sum of one thousand pounds or otherwise.

2. The vendors agree to sell and the Company agrees to purchase the pieces or parcels of land and the rights powers privileges and appurtenances specified in the Schedule hereto or so much thereof as may be the property of the vendors and the inheritance thereof in fee simple for the sum of ten thousand pounds such sum to include and be in full satisfaction and compensation as well for the purchase as for all damage to be suffered by the vendors by reason of the severing of the said lands from other lands of the vendors and for all damage to be sustained by such other lands or by the vendors by reason of the formation of any railways stations gates approaches transit sheds bonding or other warehouses sheds quays wharves wharf walls river walls embankments jetties groynes shipping places staiths staves stages tramways sidings junctions machinery cranes drops dolphins moorings buoys beacons or any other works connected therewith but nothing in this clause shall be construed to affect in any way the rights or claims (if any) of any occupiers of the said premises or any part thereof claiming under or through the vendors to any damages or compensation they may be entitled to as such occupiers as aforesaid by reason of the formation of the intended railway or any works connected therewith.

3. The purchase shall be completed on the twenty-sixth September one thousand eight hundred and eighty-nine at the office of Mr. Edwin Andrew the vendors' solicitor and the Company shall be entitled to possession and shall pay interest after the rate of five pounds per centum per annum from the date hereof until completion by equal half-yearly payments on the first day of February and the first day of August in every year And in consideration of the River Dee Company having at the request of the said Benjamin Piercy and Henry Robertson consented to extend the time for completion of the said purchase under the said recited agreement the said Benjamin Piercy and Henry Robertson hereby jointly and severally guarantee the payment of the balance of the said purchase money of ten thousand pounds upon the said twenty-sixth day of September one thousand eight hundred and eighty-nine and the said half-yearly payments of interest upon the first day of February and the first day of August in every year.

4. Upon payment of the purchase money at the time and place aforesaid the vendors shall execute to the Company a proper assurance of the said premises such assurance to be executed by all necessary parties and to contain proper covenants by the Company that the line of river frontage required by the Company shall be in such a position as shall be agreed upon or in case of difference as may be decided by the president for the time being of the Institute of Civil Engineers and a counterpart of such conveyance shall be duly executed by the Company and retained by the vendors but it shall not be compulsory upon the vendors to obtain the execution of such assurance by the mortgagees nor



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A.D. 1888. shall this agreement be affected in any way by the said mortgagees refusing to become parties to such assurance.

5. If the vendors shall fail to make out their title to any part or parts of the said premises the Company shall not be entitled to any allowance deduction or compensation whatever in respect thereof.

6. The costs and expenses as well of the vendors as the Company incurred and to be incurred in and about the preparation of this agreement and the negotiations preparatory thereto and in or about the preparation and execution of the conveyance and the counterpart thereof and of all other documents relating to the assurance of the said premises and in or about the preparation of the abstract and the deducing and verifying title of the vendors and all other costs charges and expenses (if any) which would be payable by the Company under the Lands Clauses Consolidation Act 1845 shall be borne and paid by the Company.

7. The vendors hereby further agree that in the event of the said lands or any part thereof at any future time being no longer required by the Company for the purposes of their undertaking and becoming superfluous neither they nor the persons deriving title under them will require the Company to first offer to sell the said lands to them or any of them or claim any right of pre-emption or otherwise in respect of the said lands but all such right of pre-emption shall be deemed to be included and paid for in the purchase money for the same and the conveyance of the said lands shall contain provisions to this effect.

In witness whereof the vendors and the Company have respectively affixed hereto their common seals and the said Benjamin Piercy and Henry Robertson have hereunto set their hands the day and year first before written.

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The SCHEDULE hereinbefore referred to.

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All that undivided moiety of a piece or parcel of land situate in the parish of Northop in the county of Flint containing by admeasurement six acres two roods and ten perches or thereabouts and particularly delineated and described in the plan annexed to a certain notice to treat under the common seal of the Company dated the eighth day of August one thousand eight hundred and eighty-five and numbered 2 served by the Company upon the vendors.

Also all that piece or parcel of land situate in the said parish of Northop containing by admeasurement one acre two roods and twenty-one perches or thereabouts particularly delineated and described in the plan annexed to a certain notice to treat under the common seal of the Company dated the eighth day of August one thousand eight hundred and eighty-five and numbered 3 and served by the Company upon the vendors.

And also all those pieces or parcels of land situate in the said parish of Northop and the parish of Hawarden in the county of Flint containing by admeasurement as to the said land situate within the said parish of Northop thirty-nine acres three roods and thirty-two perches or thereabouts and as to the said land situate within the said parish of Hawarden nine acres and ten perches or thereabouts which said pieces or parcels of land are particularly delineated and described in the plan annexed to a certain notice to treat under the common seal




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*Railway Act, 1888.*

of the Company dated the eighth day of August one thousand eight hundred and eighty-five and numbered 4 and served by the Company upon the vendors. A.D. 1888.

And also all the land foreshore appurtenances advantages rights powers and privileges vested in the River Dee Company for the construction of works wharves river walls or otherwise between the eastern limits of deviation of Railway Number 10 shown on the deposited plans referred to in the Wrexham Mold and Connah's Quay Railway Act 1882 and deposited with the clerk of the peace for the county of Flint in November one thousand eight hundred and eighty-one and the wharves of the Wrexham Mold and Connah's Quay Railway Company at Connah's Quay and lying between those points and the Chester and Holyhead Railway and low-water mark of the River Dee or such line of wharf frontage as may be required by the Railway Company on the River Dee the position of such line of frontage to be fixed in case of difference between the parties by the president for the time being of the Institute of Civil Engineers.

The common seal of the River Dee Company  
was hereunto affixed in the presence of  
H. W. Williams Chairman  
H. F. Bing Secretary.



The Common  
Seal of the River Dee  
Company.

Witness to the signature of Benjamin Piercy  
F. G. Whitwham  
8 Drapers' Gardens  
London.




BENJN. PIERCY.

Witness to the signature of Henry Robertson  
Thos. E. Armstrong  
Palé Corwen Secretary.



HENRY ROBERTSON.

The common seal of the Wrexham Mold and  
Connah's Quay Railway Company was  
affixed hereto in the presence of  
Thos. Hy. Jones  
A director.



The Common  
Seal of the Wrexham  
Mold and Connah's  
Quay Railway  
Company.

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