



CHAP. cli.

An Act to authorize the abandonment of a certain portion of the Railways authorized by the Ellesmere and Glyn Valley Railway Act, 1866, and an extension of time for the compulsory purchase of lands and the completion of other portions of the said Railways; and for other purposes. A.D. 1869.

[9th August 1869.]

WHEREAS by the Ellesmere and Glyn Valley Railway Act, 1866, (herein-after called the Act of 1866,) the Ellesmere and Glyn Valley Railway Company were incorporated, and were authorized to make and maintain a railway from Ellesmere to Llan-saintffraid, Glyn Ceiriog, in the counties of Salop and Denbigh: 29 & 30 Vict.
c. cccxxxv.

And whereas it is expedient that the Company be empowered to abandon a portion of their undertaking authorized by the Act of 1866, and that the time granted by that Act, with respect to the compulsory purchase of lands and for the completion of works, be extended, and that the present powers of the Company be in certain other respects enlarged:

And whereas it is expedient that certain alterations be made in the line and levels of the railways authorized by the Act of 1866, other than that portion of railway abandoned:

And whereas it is expedient that the Company be empowered to construct the railway by the Act of 1866 and by this Act authorized to be made of such gauge as they think fit:

And whereas it is expedient that the Company be empowered to reduce the capital authorized to be raised under the Act of 1866:

And whereas plans and sections of the proposed alterations in the line and levels of the intended railway, with a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands to be taken for the purposes of the proposed alterations, have been deposited with the respective clerks of the peace for the counties of Salop and Denbigh, and are in this Act referred to as the deposited plans, sections, and books of reference:

A.D. 1869. And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

Short title. 1. This Act may be cited for all purposes as "The Ellesmere and Glyn Valley Railway Act, 1869."

General Acts herein named incorporated. 2. The Railways Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, and Parts I. and II. (relating respectively to the construction of a railway and to extension of time) of the Railways Clauses Act, 1863, are (so far as the same are applicable, and except when expressly varied by this Act) incorporated with and form part of this Act.

Same meaning to words, &c. in incorporated Acts and this Act. 3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to such construction.

Capital and borrowing powers of the Company to be reduced. 4. The Act of 1866 shall for all purposes be read and construed as if the capital of the Company thereby authorized to be raised were twenty-five thousand pounds and not one hundred and twenty thousand pounds, and as if the sum which the Company were thereby authorized to raise by mortgage of their undertaking were eight thousand three hundred pounds and not forty thousand pounds.

How reduction of capital to be effected. 5. The reduction of the capital of the Company from one hundred and twenty thousand pounds to twenty-five thousand pounds shall be effected either by the reduction of the number of shares, or by the reduction of the nominal amount thereof, or partly in one way and partly in the other, as the Company by resolution of a general meeting of the shareholders shall determine.

Power to alter the line and levels of authorized works. 6. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make the alterations shown in the deposited plans and sections in the line and levels of the railway No. 1. authorized by the Act of 1866, and may make and maintain in the line and according to the levels shown on the deposited plans and sections the works shown thereon, and may enter upon, take, and use such of the lands

delineated upon the deposited plans and described in the deposited books of reference as may be required for the purposes of their undertaking. A.D. 1869.

7. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained, in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,) Power to cross certain roads on the level.

Number on deposited plan.	Parish.	Description of road.
163	Llangollen - - - -	Public road.
205	Llangollen - - - -	Public road.
273	Llangollen - - - -	Public road.
7	Llansaintffraid, Glyn Ceiriog - -	Public road.

8. The Company may construct the railway by the Act of 1866 and this Act authorized to be made of such gauge as they think fit, provided it be not wider than four feet eight inches and a half or narrower than two feet. Gauge.

9. Clauses 28 to 35 inclusive of the Act of 1866 are incorporated with and form part of this Act, and shall be as applicable to railway No. 1. authorized by the Act of 1866, when constructed or maintained according to the alterations in the line and levels thereof authorized by this Act, and also prior to the commencement of and during such construction or maintenance, as if the said railway No. 1. had been constructed and maintained in the manner and according to the line and levels authorized by the said Act of 1866: Provided always, that if railway No. 2. is constructed on a gauge different from the gauge of the Shrewsbury and Chester Railway of the Great Western Railway Company, instead of a junction being formed between the said railway No. 2. and the said Shrewsbury and Chester Railway, the Company shall construct such sidings, works, and other conveniences as may be necessary for the interchange of traffic between those railways, the Great Western Railway Company affording and allowing, on receiving reasonable recompence or remuneration for so doing, all necessary and reasonable facilities, and user of their land, works, and property for all or any of the said purposes; and the Company shall not be required to construct the junction authorized by the said Act of 1866. Clauses 28 to 35 inclusive of Act of 1866 incorporated by this Act.

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Sections 25
and 26 of
Act of 1866
to apply to
this Act.

10. Notwithstanding anything contained in this Act or shown on the deposited plans and sections, the provisions of the sections numbered 25 and 26 of the Act of 1866 shall apply to the alterations in the line and levels by this Act authorized of the railway No. 1. authorized by the Act of 1866, and to the works by this Act authorized, as fully as if these provisions had been re-enacted in this Act with respect to the alterations and works by this Act authorized; and in construing the said provisions in connexion with this Act the expression "the railway" shall mean and include the last-mentioned alterations and works.

Sidings to be
provided for
interchange
of traffic
with Shrop-
shire Union
Railway and
Canal.

11. Before opening for public traffic the railway No. 1. authorized by the Act of 1866 as altered by this Act, or any part thereof, the Company shall, for the purpose of facilitating the interchange of traffic between the respective undertakings of the Company and of the Shropshire Union Railways and Canal Company (herein called "the canal company"), construct a siding or sidings and other accommodation works upon the lands numbered on the deposited plans 102, 105, 106, and 107, all in the parish of Saint Martin's in the county of Salop, or some or one of them, the number, nature, and position of the sidings and works to be such as shall be from time to time prescribed by the canal company: Provided that the cost of the prescribed works shall not exceed the sum of five hundred pounds in the whole, or if they exceed that sum, that the canal company shall repay to the Company the excess of the cost of the works over the said sum.

Same tolls
for traffic to
and from the
canal as for
traffic to and
from Great
Western
Railway.

12. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, or the owners or lessees of the railways by the recited Act and this Act authorized, to demand or take any toll, rate, or charge for or in respect of traffic coming from or destined for any part of the said railways to or from the canal or works of the canal company higher than the tolls, rates, and charges for the time being actually demanded and taken by the Company for like traffic coming from or destined for the same part of the said railways to or from the Great Western Railway.

Power to
abandon
portion of
authorized
railway.

13. The Company shall abandon the construction of so much of railway No. 1. authorized by the Act of 1866 as lies between the commencement thereof, at or near the Ellesmere station in the parish of Ellesmere in the county of Salop, and a point where the said railway enters a pasture field belonging or reputed to belong to the Right Honourable Lord Arthur Edwin Hill Trevor, situate in the parish of St. Martin's in the county of Salop, and numbered 92 on the deposited plans referred to in the Act of 1866.

14. The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act, 1845, 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 the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act, 1845, for such temporary occupation, or for any loss, damage, or injury which may have 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 last-mentioned Act or any of the recited Acts.

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Compen-
sation for
damage to
land by
entry, &c.
for purposes
of railways
abandoned.

15. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchase of any lands for the purpose of or in relation to the portion of railway by this Act authorized to be abandoned, and which shall not be required for the purposes of any of the works by this Act authorized, full compensation shall be made by the Company to the owners and occupiers of 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, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compen-
sation to be
made in
respect of
railways
abandoned.

16. The powers of the Act of 1866 with respect to the compulsory purchase or taking of lands, except for the purposes of the portion of railway by this Act authorized to be abandoned, are hereby extended and shall continue in force until the sixth day of August one thousand eight hundred and seventy-one.

Extending
time for
purchase
of lands.

17. The time granted by the Act of 1866 for constructing and completing the works by that Act authorized, and not abandoned under this Act, shall be extended until the sixth day of August one thousand eight hundred and seventy-three.

Extending
time for com-
pletion of
works.

18. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of Her present Majesty, chapter 20, a sum of fourteen thousand six hundred and forty pounds, being eight per centum on one hundred and eighty-three

Deposit
money not to
be repaid
until line
opened or

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half the
capital paid
up and
expended.

thousand pounds, the amount of the estimate of the expense of the railways authorized by the Act of 1866, was deposited in the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery in England in respect to the application to Parliament for the Act of 1866: Be it enacted, that, notwithstanding anything contained in the said recited Act of the ninth and tenth Victoria, chapter 20, the said sum of fourteen thousand six hundred and forty pounds, the sum so deposited as aforesaid, 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 survivor or survivors of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways by the Act of 1866 authorized to be made (except the portions by this Act directed to be abandoned, and subject to the alterations hereby authorized), either open the said railways for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up one half of the amount of the capital by the Act of 1866 authorized to be raised, as reduced by this Act, by means of shares, and have expended for the purposes of this Act and the Act of 1866 a sum equal in amount to such one half of the said reduced capital; and if the said period shall expire before the Company shall either have opened the said railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of fourteen thousand six hundred and forty pounds shall be applied in manner herein-after specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the facts so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act of the ninth and tenth Victoria, chapter 20, to the contrary notwithstanding.

Providing
for applica-
tion of
penalty in
compensa-
tion to par-
ties injured.

19. The said sum of fourteen thousand six hundred and forty pounds shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway authorized by the Act of 1866 and this Act, 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 the Act of 1866 and this Act, and for which injury or loss no compensation or inadequate compensation

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shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of fourteen thousand six hundred and forty pounds, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them; provided that until the said sum of fourteen thousand six hundred and forty pounds shall have been repaid to the depositors, or shall have 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them.

20. From and after the passing this Act section 39 of the Act of 1866 shall be and is hereby repealed.

29 & 30 Vict.
c. cccxxxv.
s. 39. re-
pealed.

21. The lands and property from time to time acquired by the Company under this Act, and the altered railway and works by this Act authorized, shall for the purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company, as if the Company had by the Act of 1866 been authorized to acquire, make, and maintain the same.

Altered lines
of railway
to be part of
Company's
undertaking.

22. The Company shall not, out of any money by the Act of 1866 authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that the Act of 1866 or this Act shall not prevent the payment to any shareholder of 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.

23. The Company shall not, out of any money by this Act authorized 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 an Act authorizing the construction of any other railway, or execution of any other work or undertaking.

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

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Railway not
exempt from
provisions
of present
and future
general Acts.

24. Nothing in this Act contained shall be deemed or construed to exempt the railway by the Act of 1866 or this Act authorized to be made from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorized by this Act.

Expenses of
Act.

25. The cost, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.