

**CHAP. clxvi.**

An Act for dissolving the Ellesmere and Glyn Valley Railway Company and re-incorporating the same as "The Glyn Valley Tramway Company," with power to construct Tramways ; and for other purposes. [10th August 1870.] A.D. 1870.

**W**HEREAS by "The Ellesmere and Glyn Valley Railway Act, 1866," (herein-after called "the firstly recited Act,) a Company was incorporated by the name of the Ellesmere and Glyn Valley Railway Company, with power to make and maintain a railway from Ellesmere to Llansaintffraid Glyn Ceiriog in the counties of Salop and Denbigh : 29 & 30 Vict.  
c. cccxxxv.

And whereas by "The Ellesmere and Glyn Valley Railway Act, 1869," (herein-after called the secondly recited Act,) the Company were empowered to abandon a portion of their undertaking authorised by the firstly recited Act, and further powers were granted to the said company, and the amount of capital authorised to be raised by them in shares was reduced from the sum of one hundred and twenty thousand pounds to the sum of twenty-five thousand pounds, and the amount of money authorised to be borrowed by them upon mortgage of their undertaking was reduced from forty thousand pounds to the sum of eight thousand three hundred pounds : 32 & 33 Vict.  
c. cli.

And whereas the said company have not constructed any part of the railway by the said Acts authorised, nor acquired any land for the purposes thereof :

And whereas it is expedient that the said company should be dissolved, and re-incorporated under another name, and authorised to construct and maintain the tramways and works herein-after described and authorised, in lieu of the railway and works authorised by the said recited Acts, with such other powers as are herein-after granted :

A.D. 1870.

And whereas in constructing the tramways hereby authorised it is expedient that between the points herein-after described the lines authorised by the said two recited Acts should be abandoned, and that the Company should be authorised to construct the said tramways in lieu thereof in the line and on the levels shown upon the plans and sections immediately after mentioned :

And whereas plans and sections of the line of tramways proposed to be constructed in lieu of the railways authorised by the said recited Acts, and now proposed to be abandoned, such plans and sections showing the line of so much of the said proposed tramways as aforesaid, and the lands which may be taken for the purposes thereof, and also books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerks of the peace for the counties of Salop and Denbigh respectively, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas it is expedient that the said recited Acts should be repealed, and other provisions made in lieu thereof :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may be cited for all purposes as "The Glyn Valley Tramway Act, 1870."

Provisions  
of general  
Acts herein  
named in-  
corporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares), Part III. (relating to debenture stock), and Part IV. (relating to change of name) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," the provisions of "The Railways Clauses Consolidation Act, 1845," "with respect to the construction of the railway and the works connected therewith," "with respect to the temporary occupation of lands near the railway during the construction thereof," and "with respect to mines lying under or near the railway," are (except where expressly varied by this Act) incorporated with and form part of this Act : Provided that in the construction of the said provisions of "The Railways Clauses Consolidation Act,

1845," as part of this Act, the expression "the railway" shall mean the tramways by this Act authorised. A.D. 1870.

3. No part of "The Tramways Act, 1870," shall apply to this Act.

The Tramways Act, 1870, not to apply.  
Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to or inconsistent with such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the tramways," or "the undertaking," means the tramways by this Act authorised; the expression "road" includes a turnpike road, highway, lane, and any ground by the side of and forming part of a road, and the soil, sub-soil, and footway of a road, and any bridge forming part of a road, and includes drains under the road; the expression "road authority" shall mean and include the trustees for the time being for executing "The Wem and Bronygarth Roads Act, 1860," and "The Wem and Bronygarth Roads Act, 1862," (herein-after called the Bronygarth road trustees,) and the surveyor of the highway board for Llangollen; the expression "superior courts," or "courts of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

5. The recited Acts are repealed, and the Ellesmere and Glyn Valley Railway Company is dissolved.

Recited Acts repealed.

6. The several persons who immediately before the passing of this Act were shareholders in the dissolved company, and all other persons who from time to time become entitled to shares in the capital of the Company hereby incorporated, and their respective executors, administrators, successors, and assigns, are by this Act united into a Company for making, maintaining, and working the tramways by this Act authorised, and for those purposes are incorporated by the name of "The Glyn Valley Tramway Company," and by that name shall be one body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of their undertaking.

Incorporation of Company.

7. All the rights, powers, privileges, goods, chattels, choses in action, moneys, effects, bonds, deeds, books, papers, maps, plans, estate and property, claims and demands whatsoever, of or to which

Property, &c. vested in Company.

A.D. 1870. the dissolved company were in any way whatsoever immediately before the passing of this Act seised, possessed, or in any way entitled, at law or in equity, or otherwise howsoever, with their respective rights, members, and appurtenances, are by this Act vested in the Company as their property and effects, but subject to all charges and incumbrances thereon, and all debts, liabilities, and engagements of the dissolved company in respect thereof.

Company to  
represent the  
dissolved  
company.

8. Except only as is by this Act otherwise expressly provided, the Company shall, with respect to their undertaking, property, and effects, and all matters connected with the same respectively, represent the dissolved company, as if the dissolved company and the Company had originally been and had continued without intermission to be one and the same body corporate.

General  
saving of  
rights.

9. Notwithstanding the repeal and dissolution, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the recited Acts shall be as valid as if this Act had not passed, and such repeal and dissolution and this Act shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the repeal and dissolution had not taken place, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to everything so done or suffered, and with respect to all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the dissolved company: Provided that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts,  
&c. pre-  
served.

10. Notwithstanding the repeal and dissolution, all purchases, sales, conveyances, mortgages, bonds, deeds, securities, contracts, and agreements before the passing of this Act made or entered into by, to, or with respect to the dissolved company, or any person on their behalf, shall continue and be as effectual to all intents, for, against, and with respect to the Company, as if the same had been made or executed by, to, or with respect to the Company instead of the dissolved company, and may be proceeded on and enforced by and against the Company accordingly.

As to pay-  
ment of  
debts owing  
before pass-  
ing of Act.

11. All persons who immediately before the passing of this Act owed any money to the dissolved company, or to any person on their behalf, shall pay the same, with all interest (if any) due, payable, or accruing upon the same, to the Company, and all debts and moneys which, immediately before the passing of this Act,

were due or owing or recoverable from the dissolved company, or for the payment of which the dissolved company were or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

A.D. 1870.

**12.** Notwithstanding the repeal and dissolution, any action, suit, prosecution, or other proceeding commenced either by or against the dissolved company before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of and against the Company, in like manner, to all intents and purposes, as the same might continue and take effect in favour of or against the dissolved company, save only that when necessary the Company shall be substituted therein for the dissolved company.

Actions, &c.  
not to abate.

**13.** Notwithstanding the repeal and dissolution, all deeds, conveyances, leases, contracts, mortgages, bonds, covenants, liabilities, securities, orders, resolutions, proceedings, arrangements, or agreements, and other acts and things, before the passing of this Act made, done, entered into, executed, or instituted under or by virtue or with reference to the purposes of the recited Acts, shall be good, valid, and effectual, to all intents and purposes whatsoever, for, against, with reference to, or in favour of the Company, as if the recited Acts were not repealed, and as if the Company were the company incorporated by the firstly recited Act.

Convey-  
ances, leases,  
&c. to remain  
in force.

**14.** Notwithstanding the repeal and dissolution, all penalties incurred for any offence against the provisions of the recited Acts or either of them, previously to the passing of this Act, may be sued for, and all offences which may have been committed before the passing of this Act against the provisions of the recited Acts, or either of them; may be prosecuted, in the like manner as the same might have been sued for and prosecuted respectively if the recited Acts were not repealed, and as if the Company had been incorporated by the firstly recited Act.

Penalties  
may be sued  
for and  
offences  
prosecuted.

**15.** Notwithstanding the repeal and dissolution, all certificates, sales, transfers, and dispositions heretofore made or executed under the recited Acts of any share in the capital of the dissolved company shall remain in full force, and continue and be available in all respects as if those Acts were not repealed.

Transfers of  
shares to  
remain in  
force.

**16.** Notwithstanding the repeal of the recited Acts, all books and other documents by those Acts authorised or directed to be

Books, &c.  
made evi-  
dence by

A.D. 1870.

previous  
Acts to  
continue.Power to  
make tram-  
ways ac-  
cording to  
deposited  
plans.

kept, and which would have been evidence if those Acts had not been repealed, shall be admitted as evidence in all courts whatsoever.

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

1. A tramway (No. 1), commencing in a pasture field belonging or reputed to belong to Lord Arthur Edwin Hill Trevor, situate in the parish of Saint Martin's in the county of Salop, and numbered 92 on the deposited plans referred to in the firstly and secondly recited Acts or one of them, and terminating in a field belonging or reputed to belong to Edmund Burke Wood, Esquire, situate in the parish of Saint Martin's in the county of Salop, and numbered 168 on the said deposited plans; such tramway to be made in the line and upon the levels of the railway No. 1, between the points aforesaid, authorised by the recited Acts or one of them :
2. A tramway (No. 2), five miles seven furlongs seven chains and seventy-seven links in length, commencing in the parish of Saint Martin's in the county of Salop, by a junction with tramway No. 1 at its termination in the said field No. 168, and terminating in a field numbered 103 in the deposited plans referred to in the said recited Acts or one of them :
3. A tramway (No. 3), one mile 2·20 chains in length, commencing in the parish of Llansaintffraid-Glyn-Ceiriog in the county of Denbigh, by a junction with tramway No. 2 at its termination in the said field numbered 103, and terminating at the slate bank or wharf of the Cambrian Slate Quarry, occupied by the Cambrian Slate Company, Limited, situate in the parish of Llansaintffraid-Glyn-Ceiriog, in the county of Denbigh :
4. A tramway (No. 4), three furlongs five chains in length, commencing by a junction with tramways Nos. 1 and 2 at the termination of the former and at the commencement of the latter in the said field numbered 168 in the said

parish of Saint Martins and county of Salop, and terminating by a junction with the Great Western Railway in the said parish of Saint Martins and county of Salop at a point about twenty chains distance from the Preegwene Station of the Great Western Railway Company :

5. A tramway (No. 5), one mile four furlongs six chains in length, commencing by a junction with tramway No. 1 in a field numbered 217 in the deposited plans referred to in the recited Acts or one of them, and terminating at the slate bank or wharf of the slate quarry called Nantyr Quarry, belonging or reputed to belong to Colonel Robert Myddleton Biddulph, and occupied by him and Elias Griffiths, Thomas Hughes, and Richard Pritchard Williams, situate in the parish of Llansaintffrait Glyn-Ceiriog in the county of Denbigh :
6. A tramway (No. 6), one furlong four chains in length, commencing by a junction with tramway No. 2 at a point close to Castle Mill public-house in Glyn Traian in the parish of Llangollen in the county of Denbigh, and terminating in a plantation numbered 261 in the deposited plans referred to in the recited Acts or one of them :
7. A tramway (No. 7), two furlongs seven chains in length, commencing by a junction with tramway No. 2 at a point near to and at a distance of two chains from and on the west side of the toll gate on the Wem and Bronygarth turnpike road at a place called the Herber, in Glyn Traian in the parish of Llangollen in the county of Denbigh, and terminating at a spoil bank connected with the limekilns belonging or reputed to belong to and in the occupation of Richard Steele Perkins.

18. The tramway (No. 1) shall be carried over the canal of the Shropshire Union Railway and Canal Company (herein-after called the Shropshire Company), and the towing-path thereof, by means of a good and substantial bridge of brick, stone, or iron, or a combination of each ; and, unless with the consent of the Shropshire Company under their common seal first had and obtained for that purpose, the line or course of the said tramway over the canal, as shown upon the deposited plans, shall not be diverted to a greater extent than the limits of deviation as shown on the said plans.

Bridge over  
Shropshire  
Union Canal.

The clear height of the bridge above the canal and towing-path shall not be less than nine feet, and the bridge shall be of such width as shall leave an open and uninterrupted navigable waterway in the canal of not less than twenty feet in width,

A.D. 1870.

and a towing-path of not less than five feet in width; the piers or abutments of the bridge shall be placed in such position, adjoining the said canal and towing-path, as shall be approved for that purpose by the engineer for the time being of the Shropshire Company:

The Company shall not, in constructing the bridge over the canal, or in any other case or for any other purpose, permanently alter the line or level of the said canal or towing-path, or obstruct the navigation of the said canal or any part thereof, or divert any of the waters thereof, or which now supply the said canal, or injure any of the works, slopes, or embankments of the said canal, during the construction of the said bridge; and during any necessary repairs thereof there shall at all times be left a free, open, uninterrupted navigable waterway in the said canal of not less than ten feet in width, and a towing-path of not less than five feet in width, and a space above the canal and towing-path of not less than eight feet in height in the clear; and the Company shall at all times keep the said bridge and works in good substantial repair.

For prevent-  
ing obstruc-  
tions to  
canal.

**19.** If in the execution of any of the works by this Act authorised, or by reason or in consequence of any of those works when made, or of any act or omission of the Company, the said canal or the towing-path thereof shall at any time be so obstructed or impeded as that boats, barges, or other vessels, men or horses, using the same, cannot conveniently pass along the same, then and in every such case the Company shall pay to the Shropshire Company, as or by way of ascertained damages, the sum of twenty-five pounds for every day and part of a day during which any such obstruction or impediment shall continue; and the Shropshire Company may, at the costs and charges of the Company, remove such obstruction or impediment, and make good all damage or injury to the said canal or towing-path occasioned thereby; and in default of payment of any such costs or charges, or of any such sum or sums as aforesaid, within ten days after demand thereof in writing given to the secretary of the Company, or left at the office or place of business of such secretary, the Shropshire Company may recover the same in any court of competent jurisdiction.

Saving  
rights of the  
Shropshire  
Company.

**20.** Except as in this Act expressly provided, this Act or anything therein contained shall not take away, lessen, prejudice, or alter any right, interest, power, privilege, or authority of the Shropshire Company.



**21.** Before opening for public traffic the tramway No. 1, 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 Company, construct a siding or sidings and other accommodation works upon the lands numbered on the plans deposited with reference to the firstly recited Act, 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.

A.D. 1870.

Sidings to be provided for interchange of traffic with Shropshire Union Railways and Canal.

**22.** The Company shall not enter upon or interfere with the Shrewsbury and Chester Railway, or any of the lands or works of the Great Western Railway Company, or execute any works whatever under, over, or affecting the same, until the Company shall have delivered to the Great Western Railway Company plans, drawings, and specifications of such intended works, and those plans, drawings, and specifications shall have been approved in writing by the principal engineer for the time being of the Great Western Railway Company, or, in the event of his failure for one calendar month after the delivery of the plans, drawings, and specifications, until the same shall have been approved by an engineer to be appointed by the Board of Trade; and all the said intended works shall be executed by the Company, at their sole expense in all things, according to such approved plans, drawings, and specifications, and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company.

Not to enter on the lands of Great Western Railway Company until plans approved.

**23.** The said tramway No. 1, where the same is intended to cross the said Shrewsbury and Chester Railway of the Great Western Railway Company, shall be carried over that railway, and the sidings and lands of the Great Western Railway Company, by means of a bridge, with a clear headway for the whole distance of not less than fifteen feet and of a clear width of twenty-eight feet.

As to execution of works on land of Great Western Railway Company.

**24.** The Company shall bear, and, on demand, pay to the Great Western Railway Company, the expense of the employment by them, during the making of the said tramway No. 1 over and adjacent to the Shrewsbury and Chester Railway, of a sufficient number of inspectors or watchmen to be appointed by them for watching their railways and works with reference to and during the execution

The Company to pay to Great Western Railway Company expenses of watchmen during construction of works.

A.D. 1870.

of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of any person or persons in the employ of the Company, with reference thereto or otherwise.

Maintenance  
of works  
affecting  
Great  
Western  
Railway.

**25.** The Company shall, at their sole expense, at all times maintain the bridges and other works by which tramway No. 1 by this Act authorised shall be carried across the Shrewsbury and Chester Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the principal engineer for the time being of the Great Western Railway Company; and if and whenever the Company fail so to do the Great Western Railway Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as the Great Western Railway Company shall think requisite in that behalf; and the sum from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company; and in default of full repayment the amount due may be recovered, with full costs, by the Great Western Railway Company from the Company in any court of competent jurisdiction.

Not to inter-  
fere with  
traffic on  
Great  
Western  
Railway.

**26.** In constructing the tramways No. 1 and No. 4 by this Act authorised, the Company shall not in any way obstruct or interfere with the traffic passing along the Shrewsbury and Chester Railway; and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the said Shrewsbury and Chester Railway, so as to impede or prevent the convenient passage of engines and carriages along the same, the Company shall pay to the Great Western Railway Company the sum of twenty pounds per hour by way of ascertained damages for every hour during which that obstruction or interference shall continue.

Damage  
sustained  
by Great  
Western  
Company to  
be repaid.

**27.** Notwithstanding anything in this Act contained, the Company shall from time to time be responsible for and make good to the Great Western Railway Company all losses, costs, damages, and expenses which may be occasioned to them or to any of their works or property, or to the traffic on their railway, or to any company or persons using the same, or otherwise, during the execution or by reason of the failure of any of the intended works, or of any act or omission of the Company, or of any persons in their employ, or of their contractors or otherwise, and the Company shall effectually indemnify and hold harmless the Great Western Railway Company from all claims and demands upon or against

them by reason of such execution or failure, and of any such act or omission.

A.D. 1870.

**28.** Notwithstanding anything herein or in the incorporated Acts contained, it shall not be lawful for the Company, nor any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Railway Company, or in any manner to alter, vary, or interfere with their railway or works, without the consent of that company under their common seal, save only for the purpose of effecting the junction and crossing by this Act authorised.

Not to take lands or interfere with railway of Great Western Railway Company, except for the purpose of a junction.

**29.** The Company shall not open for traffic tramway No. 1, by this Act authorised, or any part thereof, until they have constructed and open at the same time for public traffic tramway No. 4.

Company not to open tramway No. 1 till they have opened tramway No. 4.

**30.** All works and repairs done and executed by the Company upon or connected with or which may in any manner interfere with or affect the Shrewsbury and Holyhead turnpike road shall be done and executed by the Company to the reasonable satisfaction in all respects of the engineer or other the proper officers or officer for the time being of the commissioners nominated and appointed for the execution of the Act of the third and fourth years of Her present Majesty's reign, chapter one hundred and four.

As to works affecting the Shrewsbury and Holyhead Road.

**31.** The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Capital and number and amount of shares.

**32.** The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

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

Calls.

**34.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole eight thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of twenty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the capital has been issued and accepted, and that one half thereof

Power to borrow on mortgage.

A.D. 1870.

has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue of acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant his certificate that the proof aforesaid has been given him, which certificate shall be sufficient evidence thereof.

Arrears may  
be enforced  
by appoint-  
ment of  
receiver.

**35.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole.

Debenture  
stock.

**36.** The Company may create and issue debenture stock.

Application  
of moneys.

**37.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and  
subsequent  
meetings.

**38.** The first ordinary meeting of the Company shall be held within three months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held once in every year, in the month of March or September, as the directors may appoint.

Advertise-  
ments.

**39.** The newspapers for advertisements shall be any newspapers published and circulating in the counties of Salop or Denbigh.

Number of  
directors.

**40.** The number of the directors shall be five, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than three.

Qualification  
of directors.

**41.** The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of  
directors.

**42.** The quorum of a meeting of directors shall be three, until the number of directors is reduced to three, and then the quorum shall be two.

First di-  
rectors.

**43.** The persons who immediately before the passing of this Act were the directors of the dissolved company are the directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in

office the directors appointed by this Act, or any of them, and elect additional directors to complete the number, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the provisions in this Act contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are provided in their stead, in manner provided by that Act.

A.D. 1870.

Election of  
directors.

**44.** The quantity of land to be taken by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre.

Lands for  
extraordi-  
nary pur-  
poses.

**45.** The powers of the Company for the compulsory purchase of lands for the purposes of the tramway No. 1 shall not be exercised after the sixth day of August 1871, and the powers of compulsory purchase for the other purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Powers for  
compulsory  
purchases  
limited.

**46.** The tramways may be constructed of such gauge as the Company think fit, provided it be not wider than four feet eight inches and half an inch, or narrower than two feet; and, where the same are intended to be made along any road, the same shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the surveyor of the road authority or by such other person as may be prescribed by any Public Act for the time being in force for the regulation of tramways.

Mode of  
formation of  
tramways  
on road.

**47.** The Company shall not be deemed to acquire any right other than that of user only in the soil of any road along or across which they lay any portion of their tramways.

Right of  
user only.

**48.** Subject to the provisions of this Act, the Company may, for the purpose of forming, laying down, making, maintaining, and renewing the tramways, open or break up any road along or across which any part of the tramways is by this Act authorised to be laid.

Power to  
break up  
roads.

A.D. 1870.

Restrictions  
as to break-  
ing up of  
roads.**49.** When the Company open or break up a road—

They shall give to the road authority notice of their intention to do so, specifying the time at which they will begin the works; such notice to be given seven days at least before the work is begun:

The Company shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the Company's notice, or discontinues the same during the work, and shall pay all reasonable expenses to which the road authority is put on account of such superintendence.

Reinstatement of  
roads.**50.** After the Company have opened or broken up a road—

They shall, with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the road to as good a condition as that in which it was before it was opened or broken up, and clear away all rubbish occasioned thereby, and surplus materials taken from or out of the ground, and shall in the meantime cause the place where the road is opened or broken up to be watched, and to be properly lighted at night, and they shall pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as these expenses are increased by the opening or breaking up thereof.

If the Company fail to comply in any respect with the provisions of this section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them,) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

Repair of  
part of road  
where tram-  
way is laid.

**51.** The Company shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid by the Company in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as

A.D. 1870.

extends eighteen inches beyond the rails of and on each side of any tramway. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road upon which such tramway was laid to as good a condition as that in which it was before any such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Company fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time, after seven days notice to the Company, open and break up the road, and do the works necessary for the repair and maintenance and restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

**52.** The road authority on the one hand, and the Company on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

Road authority and Company may contract for paving road on which tramways are laid.

**53.** And whereas the tramway No. 2 will be carried for a considerable distance along some of the roads under the jurisdiction of the Bronygarth road trustees, the same where passing longitudinally along such roads shall be formed and laid down upon and along one side of the said roads, and so as that a free space of not less than twenty feet shall be left and maintained for the purposes of all ordinary traffic upon and along the roads upon and along which the tramway shall be laid, save only at any place where the tramway may cross from one side to the other thereof. And whereas the memorandum of agreement set forth in the schedule to this Act, dated the seventh day of April one thousand eight hundred and seventy, has been made between the said trustees of the one part, and the Ellesmere and Glyn Valley Railway Company of the other part, as to the terms and conditions upon which and the manner in

Provisions with reference to the Wem and Bronygarth road trustees.

A.D. 1870.      which the tramway shall be laid down and worked upon and along such roads, and it is expedient that the same should be confirmed; therefore the same is hereby confirmed, and shall have all such and the same effect as if the Company had been a party thereto.

Rights of others to open roads.

**54.** Nothing in this Act shall take away or abridge any power for the time being vested in the road authority to open or break up any road along or across which the tramways are laid, for any purpose; but where the road authority open or break up any such road—

They shall cause as little detriment or inconvenience to the Company as circumstances admit:

They shall give to the Company notice of their intention to open or break up such road, specifying the time at which they will begin the work; such notice to be given twenty-four hours at least before the work is begun:

They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:

Whenever, for the purpose of enabling them to execute such work, the road authority shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the road authority with all reasonable expedition:

They shall execute such work, so far as it immediately affects the tramway, under the superintendence of the Company, unless the Company refuse or neglect to give such superintendence at the time specified in the said notice, or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company.

Reserving powers of street authorities to widen, &c. roads.

**55.** Nothing in this Act shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation.

Form and delivery of notices.

**56.** With respect to notices, and to the delivery thereof by or to the Company,—

Every notice shall be in writing or print, or partly in writing and



partly in print, and, if given by the road authority, shall be sufficiently authenticated by being signed by the clerk or surveyor for the time being of the road authority: A.D. 1870.

Any notice to be delivered by or to the Company to or by any road authority or other body, or any company, may be delivered by being left at the principal office of the Company, or by being sent by post in a registered letter addressed to their clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered to their clerk at their principal office in the ordinary course of post.

**57.** If any difference arises between the Company and the road authority with respect to any interference or control exercised or claimed to be exercised either by the Company or by the road authority, or on their behalf respectively, by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the road authority, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the road authority, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs. Differences between Company and road authority.

**58.** Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:— Regulating inquiries before referee appointed by the Board of Trade.

1. The inquiry shall be held before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:
2. Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:
3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place as he may think fit:

A.D. 1870.

4. The referee, by summons, shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee and answer all questions touching the matter to be inquired into; and any person who wilfully disobeys any such summons, or refuses to answer any question put to him by such referee for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode:
5. The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:
6. Any person who, upon oath or affirmation, wilfully gives false evidence before the referee, shall be deemed guilty of perjury:
7. The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report, upon request, to all or any of the parties to the inquiry.

Animal  
power only  
to be used  
on tram-  
ways.

**59.** The Company may use on their tramways carriages with flange wheels, or wheels adapted to run on a grooved rail, and all carriages used on the tramways shall be moved by animal power only.

Company to  
have ex-  
clusive use  
of tramways  
for flanged  
wheels.

**60.** Subject to the provisions of this Act, the Company shall have the exclusive use of the tramways for carriages with flange wheels, or other wheels specially or particularly adapted to run on a grooved rail.

Tramways to  
be removed  
in certain  
cases.

**61.** If at any time after the opening of any tramway in any district for traffic the Company discontinue the working of such tramway or of any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order

A.D. 1870.

declare that the powers of the Company in respect of such tramway, or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the Company shall cease and determine. Where any such order has been made, the road authority of such district may, at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect by the Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the road authority may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the road authority may think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

**62.** If at any time after the opening of the tramway for traffic it appears to the road authority that the Company are insolvent, so that they are unable to work the tramway with advantage to the public, and such road authority makes a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the Company are so insolvent as aforesaid the Board of Trade may, by order, declare that the powers of the Company shall, at the expiration of six calendar months from the making of the order, be at an end, and the powers of the Company shall cease and determine at the expiration of the said period; and thereupon such road authority may remove the tramway, in like manner and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for recovery of such costs, in every respect, as in cases of removal under the next preceding section.

Proceedings  
in case of  
insolvency  
of Company.

**63.** Subject to the provisions of this Act, the road authority

Byelaws by  
road au-  
thority.

A.D. 1870.

may from time to time make regulations as to the following matters:

The rate of speed to be observed in travelling upon the tramway:

The distances at which carriages using the tramway shall be allowed to follow one after the other:

The stopping of carriages using the tramway:

The traffic on the road in which the tramway is laid.

Company  
may make  
regulations.

The Company may from time to time make regulations,—

For preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them:

For regulating the travelling in or upon any carriages belonging to them:

And for better enforcing the observance of all or any of such regulations it shall be lawful for such road authority and Company respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws, and make new byelaws; provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect.

No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board; and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the Company if the same was made by the road authority, and to such road authority if made by the Company.

Penalties in  
byelaws.

**64.** Any such byelaw may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues; but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Penalty for  
obstruction  
of Company  
laying out  
tramways.

**65.** If any person wilfully obstruct any person acting under the authority of the Company in the lawful exercise of any of their powers in setting out, or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of the tramway, or wilfully damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five pounds.

**66.** If any person, without lawful excuse (the proof whereof shall lie on him), wilfully do any of the following things, namely,

A.D. 1870.

Interfere with, remove, or alter any part of the tramways or the works connected therewith;

Penalties for wilful injury or obstruction to tramways, &c.

Place or throw any stones, dirt, wood, refuse, or other material on any part of the tramways;

Do or cause to be done anything in such a manner as to obstruct any carriage using the tramways, or to endanger the lives of persons therein and thereon;

Or knowingly aid or assist in the doing of any such thing, he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

**67.** If any person travelling or having travelled, in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty on passengers practising frauds on the Company.

**68.** It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of law.

Transient offenders.

**69.** No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left, at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the tramway.

A.D. 1870.

Penalty for persons using tramways with carriages with flange wheels, &c.  
Recovery of tolls, penalties, &c.

**70.** If any person uses a tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

**71.** All tolls, penalties, and charges under this Act, or under any byelaw made in pursuance of this Act, may be recovered and enforced before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

Power for road or police authorities to regulate traffic on roads.

**72.** Nothing in this Act shall limit the powers of the road authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company as to the traffic of other persons.

Reservation of right of public to use roads.

**73.** Subject to the provisions of this Act, nothing in this Act shall take away or abridge the right of the public to pass along or across any part of any road along or across which a tramway is laid, whether on or off the tramway, with carriages having ordinary wheels.

Company to be responsible for all damages.

**74.** The Company shall be answerable for all accidents, damages, and injuries happening through the act or default of the Company, or of any person in their employment, or by reason or consequence of any of the Company's works or carriages, and shall save harmless the road authority, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Period for completion of works.

**75.** The tramways shall be completed on or before the sixth day of August one thousand eight hundred and seventy-three, and on the expiration of that period the powers by this Act granted to the Company for executing the tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Maximum rates for passengers.

**76.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the tramways, including the tolls for the use of the tramways, and for carriages and motive power, and every other expense incidental to such conveyance, shall not exceed twopence per mile.

**77.** The maximum rates of charge to be made by the Company for the conveyance of animals and goods on the tramways, including the tolls for the use of the tramways, and for waggons or trucks or motive power, and every other expense incidental to the conveyance, shall not exceed the following sums per mile; (that is to say,)

A.D. 1870.  
Maximum  
rates for  
animals and  
goods.

For every horse, mule, or other beast of draught or burden, the sum of threepence :

For every ox, cow, bull, or head of cattle, the sum of threepence per head :

For calves, pigs, sheep, and small animals, the sum of twopence per head :

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, iron ore, undressed or scabbled stones for building, pitching, and paving, slag stone, salt, sand, cinders, and all undressed materials for the repair of public roads, the sum of threepence per ton :

Tolls for  
goods.

For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, tiles, bricks, coke, charcoal, dung, manure, and compost, the sum of fourpence per ton :

For all timber or wood, threepence per ton :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, the sum of fivepence per ton :

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, the sum of sixpence per ton :

For every carriage, of whatever description, the sum of one shilling.

**78.** The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

Regulations  
as to tolls.

For all passengers, animals, or goods conveyed on the tramways for a less distance than three miles the Company may demand tolls and charges as for three miles :

Short  
distances.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every

Fractional  
parts of a  
mile.

- A.D. 1870. fraction of a mile beyond an integral number of miles shall be deemed a mile :
- Fractional parts of a ton. For a fraction of a ton the Company may demand tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :
- General weight. With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :
- Weight of stone and timber. With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.
- Tolls for small parcels and single articles of great weight. **79.** With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following ; (that is to say,)  
 For the carriage of small parcels on the tramways, as follows :  
 For any parcel not exceeding seven pounds in weight, three-pence :  
 For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence :  
 For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence :  
 For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence :  
 For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit :  
 Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.  
 For the carriage of single parcels of great weight :  
 For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding three shillings per ton per mile :  
 For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.



**80.** Every passenger travelling upon the tramways may take with him his ordinary luggage, not exceeding sixty pounds in weight, without any charge being made for the carriage thereof.

A.D. 1870.

Passengers  
luggage.

**81.** Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, by reason of any special service performed by the Company in relation thereto, or for carriage or delivery of goods off the premises of the Company.

Company  
may take  
increased  
charges by  
agreement.

**82.** Notwithstanding anything in this Act contained, it shall not be lawful for the Company to demand or take any toll, rate, or charge for or in respect of traffic coming from or destined for any part of the tramways to or from the canal or works of the Shropshire 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 tramways to or from the Great Western Railway.

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

**83.** The Company shall abandon the construction of so much of railway No. 1 authorised by the firstly recited Act as lies between the termination of tramway No. 1 by this Act authorised and the termination of the said railway No. 1 as authorised by the said firstly recited Act; and they shall also abandon the construction of the railways No. 2 and No. 3 respectively by that Act authorised.

Power to  
abandon  
portions of  
authorised  
railways.

**84.** The abandonment by the Company, under the authority of this Act, of the said railways and 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 either of the recited Acts.

Compensa-  
tion for  
damage to  
land by  
entry, &c.  
for purposes  
of railways  
abandoned.

A.D. 1870.

Compensation to be made in respect of railways abandoned.

**85.** 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 railways and portion of railway by this Act authorised to be abandoned, and which shall not be required for the purposes of any of the works by this Act authorised, 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.

Deposit money not to be repaid until tramways opened, or half the capital paid up and expended.

**86.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of Her present Majesty, chapter twenty, a sum of fourteen thousand six hundred and forty pounds, being eight per centum on one hundred and eighty-three thousand pounds, the amount of the estimate of the expense of the railways authorised by the firstly recited Act, 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 firstly recited Act: Be it enacted, that, notwithstanding anything contained in the said recited Act of the ninth and tenth Victoria, chapter twenty, 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 tramways by this Act authorised to be made, either open the said tramways for the conveyance of traffic, 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 this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of such capital; and if the said period shall expire before the Company shall either have opened the said tramways for the public conveyance of traffic, 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 twenty, to the contrary notwithstanding.

A.D. 1870.

**87.** 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 railways authorised by the firstly and secondly recited Acts, 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 firstly recited Act, and for which injury or loss no compensation or adequate compensation 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.

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

**88.** The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him; provided that the Company may pay to any shareholder such interest or 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  
out of  
capital.

A.D. 1870.

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

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

Tramways  
not exempt  
from pro-  
visions as to  
general Acts.

**90.** Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

Expenses  
of Act.

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

SCHEDULE referred to in the foregoing Act.

---

MEMORANDUM OF AGREEMENT between the Trustees of the Wem and Bronygarth Roads (herein-after called "the Trustees") of the first part, and the Ellesmere and Glyn Valley Railway Company (herein-after called "the Company") of the second part.

WHEREAS the Company are now promoting in Parliament a Bill for enabling them (among other things) to lay down, construct, maintain, and work a tramway (in the said Bill called "tramway No. 2"), which, for the greater part of its length, will be laid down upon one side or other of the turnpike road belonging to the Trustees, being No. 1 of the second district described in section 11 of "The Wem and Bronygarth Road Act, 1860," leading from Chirk to Llansaintffraid-Glyn-Ceiriog, all in the county of Denbigh: And whereas the Trustees have, subject to the approval of Parliament, and so far as they lawfully can do so, and upon the terms and conditions herein-after expressed, agreed, upon the application of the Company, to permit the Company to lay down, construct, maintain, use, and work portions of the said tramway (No. 2) in perpetuity, upon so much of the said road as aforesaid, in the line and upon the levels shown upon the plans and sections of the said proposed tramway deposited with reference to the said Bill with the clerk of the peace for the county of Denbigh on or before the 30th day of November last, if the same shall be authorised by Parliament: Therefore it is hereby witnessed—

1. That, subject to the conditions of this agreement, and to the provisions of the Act about to be obtained, if the said Bill shall pass into an Act, the Company may forthwith after the passing of the same lay down and construct along one side of the said road, and they may also maintain and work in perpetuity, portions of the said tramway (No. 2) upon the said road from Chirk to Llansaintffraid-Glyn-Ceiriog, to the extent shown upon the deposited plan and in the lines and according to the levels shown thereon, and in such manner and subject to such regulations as may be prescribed by the said Act: Provided always, that such tramway shall be worked by horse haulage only, and without prejudice to the right of the Trustees or their successors to object to and also to oppose any application to Parliament in the present or any future session for power to use any further portion of their roads, or to work the said tramway by locomotive or other than horse power.

2. That, as the consideration for the power, right, and privilege herein-before granted to the Company, they shall and they hereby grant and also engage and bind themselves to pay to the parties hereto of the second part, and their successors, as a minimum rent or rentcharge, the sum of one hundred and fifty pounds yearly in half-yearly moieties, on the first day of January and the first day of July in each year, such payment to commence at the first day of January or

A.D. 1870.

the first day of July, as the case may be, after the completion and opening of any portion of the said tramway for traffic for the half year immediately preceding, and also to fulfil the whole conditions and provisions which shall be prescribed by Parliament in the said Act authorising the construction of the said tramway, with regard to the use and maintenance of the portion of the road on which the said tramway shall be laid: Provided always, that the said minimum rent or rentcharge shall be subject to increase in the proportions following; (that is to say,) when and so long as the net earnings of or rents or income receivable by the Company, after paying interest on the debentures, shall be sufficient to yield a dividend of six pounds per centum per annum on so much of the capital of twenty-five thousand pounds authorised by section 29 of the said Bill as for the time being shall be actually paid up and expended, the said minimum rent shall be increased to two hundred and fifty pounds per annum; when and so long as such net earnings shall be sufficient to yield a dividend of seven pounds per centum per annum on the same capital, the said rent shall be increased to three hundred and fifty pounds per annum; and when and so long as such net earnings shall be sufficient to yield a dividend of eight pounds per centum per annum or upwards thereon, the said rent shall be increased to four hundred pounds per annum: Provided always, that such increased rent shall be diminished from time to time in the same proportion if and when the net earnings of the Company shall not be sufficient to yield the said dividends of six pounds, seven pounds, and eight pounds per centum per annum respectively, but shall never fall below the said minimum rent of one hundred and fifty pounds; and provided also, that the said increased and diminished rent or rentcharge shall be payable and paid in the like moieties and at the same periods as the minimum rent or rentcharge is herein-before stipulated to be paid; and no toll, rate, or charge of any description other than the rent herein-before expressed in respect of the said tramway, or of the traffic using and carried upon the same, shall be demanded by or payable to the Trustees or their successors or assigns.

3. That the rent of one hundred and fifty pounds hereby stipulated and agreed to be paid as aforesaid shall form a first charge upon the undertaking, lands, rolling stock, property, and revenues of the Company, and shall take precedence of all other charges and burdens whatsoever, excepting only the costs and expenses of working, maintaining, and management, and that the said rent of one hundred and fifty pounds, and the increased rent, if any, shall be recoverable by distress, entry, and perception of rent and income, as well as by action or suit; and the Trustees or their successors, or clerk for the time being, may, in the event of the rent herein-before stipulated and expressed not having been paid by the Company in any half year ending as aforesaid, within three calendar months after the same shall have become due, without any formal demand being necessary, apply ex parte for the appointment of a receiver to any two justices for the county of Denbigh, and on any such application such justices may by order in writing appoint some person as receiver, to the effect and with the powers herein-after mentioned; and a certified copy of the order making such appointment shall be a sufficient warrant for the receiver thereby appointed entering upon his office, and the operation of the appointment and powers of the receiver shall not be suspended pending any review or appeal of

A.D. 1870.

any order following on such application, and the receiver shall be entitled to receive the whole or a competent part of the tolls, rents, rates, or revenue arising from the undertaking of the Company, whether worked by the Company, or by any other company or person under any statutory power or otherwise, until the rent or portion of rent in arrear, and any rent which may subsequently become due during his appointment, together with all costs, including the charges for receiving the said tolls, rents, rates, or other revenue, be fully paid; and all such tolls, rents, rates, or other revenue shall, after payment of the necessary expenses of working and management, be applied in payment of the rents and arrears of rent before reserved and made payable to the Trustees; and after such rents and arrears of rent have been satisfied the power of such receiver shall cease, and he shall account to the Company for all sums received by him, and pay over to them any balance that may be in his hands. The receipts of the clerk of the Trustees for the time being shall be good discharges for all moneys receivable under this agreement.

4. The moneys payable to the Trustees under this agreement, or the said Act, shall be applicable as though the same were tolls and revenue arising under section 17 of "The Wem and Bronygarth Roads Act, 1862," save that the Trustees shall be absolved from applying the same to the repairs of the portions of the road occupied by the said tramway.

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

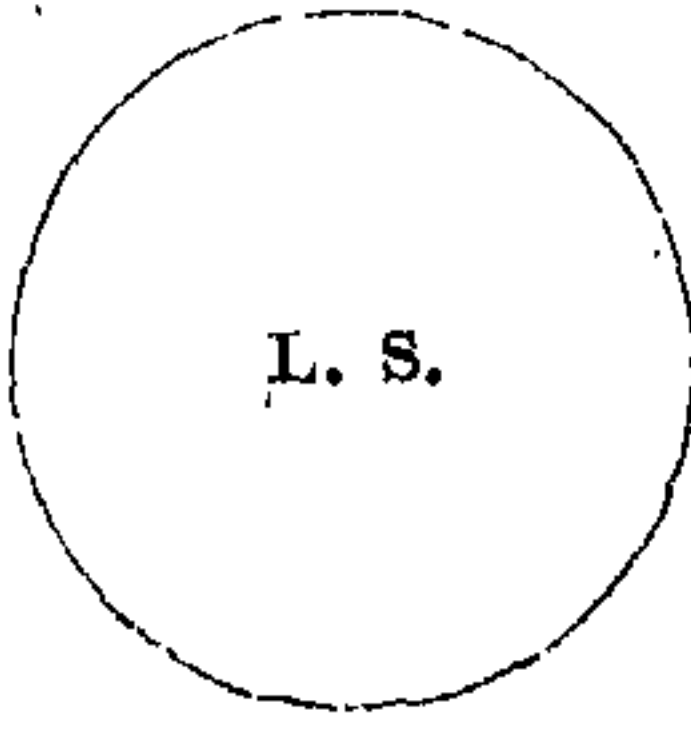
6. That the agreement shall be scheduled to and confirmed by the Bill now promoted by the Company as aforesaid.

7. That no alteration in the Bill, so far as relates to the laying down, construction, and maintenance of the said tramway upon the said road, or the working or management thereof, or prejudicial to the agreement herein contained, shall be made without the consent of the Trustees, signified under the hand of the clerk for the time being.

In witness whereof the said Road Trustees, by their clerk, have set their hand, and the said Railway Company have affixed their seal, hereto, on the seventh day of April one thousand eight hundred and seventy.

For the Trustees of the Wem and Bronygarth Roads,  
Second District,

JOHN JONES, Clerk to the Trustees.



L. S.

