



CHAPTER xli.

An Act for conferring further powers upon the London and North Western Railway Company in relation to their Chester and Holyhead Railway and for other purposes. A.D. 1897.
[3rd June 1897.]

WHEREAS it is expedient that the London and North Western Railway Company (in this Act called "the Company") should be empowered to make the new and alter and stop up the existing roads and to execute the other works and exercise the other powers in this Act respectively mentioned and to acquire for the purposes of the works by this Act authorised and for the general purposes of their Chester and Holyhead Railway the lands in this Act also mentioned :

And whereas plans and sections showing the respective lines and levels of the works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated and also books of reference containing the names of the owners and lessces or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Flint which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the Company should be empowered to apply their funds to the purposes of this Act :

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

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

1. This Act may be cited for all purposes as the London and North Western Railway (Wales) Act 1897. Short title.

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Incorporation of
general Acts.
Interpreta-
tion.

2. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to
Company to
make roads
footpaths
and other
works.

4. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the new road road diversions and other works herein-after described with all proper works and conveniences connected therewith respectively and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes all in the county of Flint (that is to say):—

(Bridge at
Queens-
ferry.)

They may in the township of Saltney in the parish of Hawarden—

Extend for a distance of twelve yards or thereabouts on the north side thereof the bridge carrying the Chester and Holyhead Railway of the Company (in this Act called "the said railway") over the public road at Queensferry Station:

(Llinegar
road diver-
sion.)

They may in the township of Tremostyn in the parish of Whitford and in the township of Picton in the parish of Llanasa—

Alter and divert so much of the public road which passes along the south side of and adjoins the said railway as lies between the Llinegar old turnpike house and Llinegar Farm and may appropriate and use for the purposes of the said railway so much of the site of the existing road as will be rendered unnecessary by the said intended diversion:

(Morfa level
crossing.)

They may in the township of Trewaelod in the parish of Llanasa—

Alter and divert so much of the public road from the Point of Air to Gwespyr which crosses the said railway on the level at Morfa level crossing as lies between points respectively two hundred yards or thereabouts north-east and two hundred and thirty yards or thereabouts south-west of the said level crossing and may carry the road over the said railway and may stop up and discontinue so

much of the said existing road as extends for a distance of forty-five yards or thereabouts in a north-easterly direction from the south-western boundary of the Company's property : A.D. 1897.

They may in the township of Gronant in the parish of Llanasa—

Stop up and discontinue so much of the public road which crosses the said railway on the level at the Gronant level crossing as lies between points respectively twenty yards or thereabouts south and twenty-five yards or thereabouts north of the said level crossing and in lieu thereof they may make a new road commencing by a junction with the said existing road at a point one hundred and thirty yards or thereabouts south of the said level crossing and terminating at a point one hundred and twenty yards or thereabouts north of the said level crossing. (Gronant level crossing.)

5. For the protection of the Flintshire County Council (in this section called "the council") the following provisions shall notwithstanding anything to the contrary in this Act contained unless otherwise agreed between the council and the Company be observed and have effect (that is to say):— For the protection of Flintshire County Council.

(1) The Company in extending the bridge carrying the railway over the public road at Queensferry on the north side thereof shall leave an open space of not less than eight feet in width between the existing bridge and the new bridge to be constructed by them on the north side thereof. The Company if the council shall so require within two years after the passing of this Act shall erect and in all time thereafter maintain a screen on the north side of the new bridge not less than four feet in height above the level of the rails and the Company shall also construct a footway of the width of not less than five feet on the western side of the road for the entire length where it passes under and between the bridge as so extended and shall kerb and channel the same to the reasonable satisfaction of the surveyor of the county council :

(2) The Company shall construct and maintain in perpetuity under the railway near Llinegar Farm either one or three culverts as the council may require of a waterway capacity in the whole not less than that of the three existing arches under the main road through which the Llinegar Brook now flows :

(3) The Company shall also construct and maintain in perpetuity a new culvert under the railway about half way between Llinegar Farm and the Mostyn Station of a waterway capacity

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not less than that of the culvert now existing under the railway near the Mostyn Police Station :

- (4) The Company shall also construct and maintain in perpetuity about thirty-seven chains west of Llinegar Brook a new culvert under the railway of the same waterway capacity as the culvert provided for by the immediately preceding subsection :
- (5) Each of the new culverts herein-before provided for shall have attached to it self-acting tidal flap valves for excluding the tidal waters of the River Dee :
- (6) In carrying out the diversion of the Llinegar road the proposed road shall be constructed in all respects equal to the road to be diverted :
- (7) The existing footbridge over the railway near Llinegar Brook shall be lengthened towards the south so as to span the proposed widening of the railway with steps in all respects as convenient as at present :
- (8) In constructing the proposed diversion of the public road from the Point of Air to Gwespyr as shown upon the deposited plans the road including the bridge for carrying the same over the railway shall be of a clear width of twenty-five feet throughout the whole length of such diversion and with a gradient on both sides of the bridge carrying the same over the railway of not less than one in thirty and the said diverted road including the bridge and approaches shall be thereafter maintained by and at the expense of the Company :
- (9) In lieu of the existing level crossing over the railway at a distance of eighteen chains eastward measured along the railway from Eyton's Siding Signal Box the Company before using any additional lines of rails at the said level crossing shall construct and open for public use a good and substantial footbridge over the railway of the width throughout the whole length thereof including the steps at either end thereof of not less than six feet and shall at all times thereafter repair and maintain the same :
- (10) Upon or near the site of the existing public footpath crossing the railway upon the land in the township of Greenfield which footpath is numbered 6 upon the deposited plans the Company shall before using for traffic any additional lines of rails construct a good and substantial footbridge of the width throughout including the steps at either end thereof of not less than six feet in the clear and shall at all times thereafter repair and maintain the same.

6. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of extending the stations sidings warehouses coal wharves depôts and other accommodation of the Company for mineral goods and cattle traffic and for other purposes connected with the said railway the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

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Power to
Company to
acquire addi-
tion
&c.

In the county of Flint—

Certain lands in the townships of Whelston Holywell and Greenfield in the parish of Holywell lying on the north-east side of and adjoining the said railway between a point five hundred yards or thereabouts north-west of the Dee Bank Signal Box and a point seven hundred yards or thereabouts north-west of the level crossing at Holywell Station:

(Lands at
Holywell.)

Certain lands in the townships of Isglan and Bychton in the parish of Whitford lying on both sides of and adjoining the said railway between the south-east side of the bridge carrying the said railway over Llannerch-y-mor Gutter and Eyton's Siding Signal Box.

(Lands at
Llannerch-y-
mor.)

7. For the protection of the Holywell Rural District Council (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company be observed and have effect (that is to say):—

For the
protection of
the Holywell
Rural
District
Council.

(1) The Company shall not under the powers of this Act stop up alter or interfere with the footpath which passes through the properties numbered on the deposited plans 21 22 and 23 in the parish of Holywell unless and until they shall have provided to the reasonable satisfaction of the council and opened to the public a new footpath in substitution for any portion of the existing footpath which may be so stopped up altered or interfered with:

(2) The Company shall at or near the site of the existing footpath level crossing on the said railway at Morfa Farm in the parish of Holywell construct and for ever afterwards maintain a footbridge over the said railway and when and so soon as the same is completed and opened for public traffic they may stop up and discontinue all rights of way over so much of the existing footpath as lies between the commencement and termination of such footbridge.

8. The Company on the one hand and the trustees of the Hawarden Castle Estate or other the owners for the time being of

Agreements
with

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A.D. 1897. the said estate (in this section referred to as "the trustees") on the other hand may enter into and carry into effect agreements for and with respect to the sale and purchase of any lands adjoining the said railway and belonging to the trustees and the Company may use any part of such lands for the purpose of providing cuts or drains for the efficient drainage of the said estate in substitution for or partly in substitution for and partly in addition to certain existing cuts or drains provided for by a deed of covenant dated the second day of March one thousand eight hundred and fifty-two and made between the Chester and Holyhead Railway Company and Sir Stephen Richard Glynn and the Company may utilize any other of such lands for the general purposes of the Company and the Company and the trustees may enter into and carry into effect agreements for that purpose and for releasing the Company from or modifying any covenants or covenant affecting the said estate contained in the before-mentioned or any other deed made between the trustees and the Company or their respective predecessors in title in relation to the matters aforesaid.

Period for compulsory purchase of lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to deviate in construction of road diversions

10. The Company may in constructing the new road road diversions and other works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding three feet but not so as to increase the rate of inclination of any road as shown on the said sections.

Roads not to be stopped up till substituted roads completed.

11. The Company shall not stop up any road or portion of road by this Act authorised to be stopped up until they shall have completed and opened to the public the diversion of such road or the new road (as the case may be) by this Act authorised to be made in lieu of the road so to be stopped up and shall have obtained the certificate of two justices that such road is duly completed in accordance with the provisions of this Act Provided that the Company shall before applying to such justices for such certificate give seven days notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate:

And the certificate of such justices together with the plan (if any) showing such stopping up and diversion or new road as aforesaid shall as soon as conveniently may be after the making of the

said certificate be lodged with the clerk of the peace of the county of Flint and shall at the quarter sessions which shall be holden in and for the said county next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid be read by the said clerk of the peace in open court and the said certificate together with the plan as aforesaid shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions.

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12. All rights of way over or along the several roads or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Extinguishment of rights of way.

13. The site and soil of the several roads or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of the said railway subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Vesting in Company of site and soil of portions of roads stopped up.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes or under the powers of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to owners to grant easements &c.

15. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other greater or less portion thereof can be severed from

Owners may be required to sell parts only of certain properties.

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A.D. 1897. the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder:

without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner incident to the arbitration or inquiry shall be borne and paid by such owner: A.D. 1897.

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit:

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845:

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

16. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied: Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages

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Repeal of section 317 of Act 7 & 8 Vict. c. lxxv. 17. Section 317 of the Act 7 and 8 Vict. cap. lxxv. entitled "An Act for making a railway from Chester to Holyhead" is hereby repealed.

Power to Company to apply corporate funds to purposes of Act. 18. The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Act relating to the Company already passed or to be passed in the present session of Parliament and which may not be required for the purposes to which they are by any such Act made specially applicable.

Saving rights of the Crown in the foreshore. 19. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Provision as to general Railway Acts. 20. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act. 21. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act. A.D. 1897.

Describing PROPERTIES whereof portions only are required to be taken.

No. on deposited Plan.	Parish.	Description of Property.
28	Whitford - -	Plantation and dam.
30	Whitford - -	Garden.
1	Llanasa - -	Farmyard pond and stream

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