



ANNO DECIMO QUINTO & DECIMO SEXTO

# VICTORIÆ REGINÆ.

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## Cap. cxlvi.

An Act to authorize the *Shrewsbury and Chester Railway Company* to construct additional Branches ; to purchase or hire Steam-boats ; and for other Purposes. [30th June 1852.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the River Dee in the County of the City of Chester to Wrexham in the County of Denbigh, to be called "The North Wales Mineral Railway,"* whereby a Company was incorporated under the Name and Style of "*The North Wales Mineral Railway Company*:" And whereas an Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act to authorize the North Wales Mineral Railway Company to extend their Line to Ruabon, and to make a Branch Railway from Rhos Robin to Minera, and to raise additional Capital for those Purposes :* And whereas another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to authorize the North Wales Mineral Railway Company to make certain Branches, and also to make a Deviation in their present Line of Railway :* And whereas another Act was passed in the Ninth Year of the Reign of Her

7 & 8 Vict. c. 99.  
 8 & 9 Vict. c. 115.  
 9 & 10 Vict. c. 250.

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*The Shrewsbury and Chester Railway (Norton and Walton Branches) Act, 1852.*

8 & 9 Vict.  
c. 42.

Her present Majesty, intituled *An Act for making a Railway from Shrewsbury in the County of Salop to Ruabon in the County of Denbigh, to be called "The Shrewsbury, Oswestry, and Chester Junction Railway ;"* and by the said Act a Company was incorporated under the Name and Style of "*The Shrewsbury, Oswestry, and Chester Junction Railway Company :*" And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty,

9 & 10 Vict.  
c. 251.

intituled *An Act for the Consolidation of the Shrewsbury, Oswestry, and Chester Junction and the North Wales Mineral Railway Companies,* whereby the said Companies were consolidated under the Name of "*The Shrewsbury and Chester Railway Company :*" And whereas another Act was passed in the Tenth Year of the Reign

9 & 10 Vict.  
c. 274.

of Her said Majesty, intituled *An Act to authorize the Shrewsbury, Oswestry, and Chester Junction Railway Company to make Railways to Crickheath and Wem, and to raise additional Capital for those Purposes :* And whereas another Act was passed in the Tenth

9 & 10 Vict.  
c. 275.

Year of the Reign of Her said Majesty, intituled *An Act to authorize the Shrewsbury, Oswestry, and Chester Junction Railway Company to make an Extension into Shrewsbury and certain Alterations and Deviations in their Line of Railway :* And whereas another Act was passed in the Eleventh Year of the Reign of Her said Majesty,

10 & 11 Vict.  
c. 144.

intituled *An Act to authorize the Shrewsbury and Chester Railway Company to make certain Branches and to provide Station Room and other Conveniences in the City of Chester, and to raise additional Capital for these Purposes, and for amending the former Acts relating to the said Company :* And whereas another Act was passed in the

12 & 13 Vict.  
c. 55.

Thirteenth Year of the Reign of Her said Majesty, intituled *An Act to authorize the Shrewsbury and Chester Railway Company to make certain Branches to the River Dee, with Wharfs and other Conveniences connected therewith, to enter into Agreements for a Joint Station at Shrewsbury, and to subscribe towards the Shrewsbury and Hereford Railway :* And whereas another Act was passed in

14 & 15 Vict.  
c. 131.

the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to authorize the Shrewsbury and Chester Railway Company to abandon the Crickheath and Wem Branches, to construct a Station at Birkenhead, to enter into Arrangements with other Companies, and for other Purposes :* And whereas by the said last-recited Act Power was granted to the *Shrewsbury and Chester Railway Company* to pass over and to use with Engines and Carriages the *Birkenhead, Lancashire, and Cheshire Junction Railway,* and also all the Stations, Sidings, Watering Places, and other Conveniences connected with such last-mentioned Railway : And whereas it is expedient that the *Shrewsbury and Chester Railway Company* should be authorized to construct and maintain the Branch Railways hereinafter described for the Purpose of effecting a Communication between  
the



*The Shrewsbury and Chester Railway (Norton and Walton Branches) Act, 1852.*

the *Birkenhead, Lancashire, and Cheshire Junction* Railway and the Canals and Navigations belonging to the Trustees under the Will of the Most Noble *Francis* late Duke of *Bridgewater*: And whereas the estimated Expense of making the said Branch Railways is Thirteen thousand seven hundred and sixty Pounds: And whereas by the said last-recited Act the *Shrewsbury and Chester* Railway Company were authorized to construct and maintain a Station for the Accommodation of their Traffic upon the South Reserve at *Birkenhead*, and to acquire such further and separate Station Accommodation at *Birkenhead* as may from Time to Time be found necessary for the public Accommodation and the more convenient working of the Traffic of the said *Shrewsbury and Chester* Railway: And whereas by the said recited Acts of the Seventh and Eighth and Twelfth and Thirteenth Years of the Reign of Her present Majesty, the *Shrewsbury and Chester* Railway Company were authorized to construct certain Branches to the River *Dee* in the County of the City of *Chester*, and in connexion therewith to construct and maintain Quays, Wharfs, Jetties, and Landing and Shipping Places upon the said River, and have in pursuance of the said Act constructed extensive Wharfs, Quays, and Landing Places for the Accommodation of the Traffic coming to and from the said *Shrewsbury and Chester* Railway: And whereas, with the view of facilitating the Traffic of the Lines of Railway belonging to the said Company and of the Railways communicating therewith, it is expedient that they should be authorized to buy or hire, and use, work, and maintain Steam-boats, Steam-tugs, Flats, or other Vessels for the Transport of Passengers, Goods, and other Traffic upon the River *Mersey*, between *Liverpool* and *Birkenhead*, and also upon and along the River *Dee* as hereinafter mentioned: And whereas it is expedient that the *Shrewsbury and Chester* Railway Company should be authorized to make and enter into Arrangements with the said Trustees of the Will of the Most Noble *Francis* the late Duke of *Bridgewater*, or the Owners for the Time being of the *Bridgewater* Canal, and the Company of Proprietors of the *Mersey and Irwell* Canal Navigation, or either of them, for the Conveyance and Interchange of Traffic as hereinafter provided: And whereas the *Shrewsbury and Chester* Railway Company are joint Proprietors of a Station in the Town of *Shrewsbury* along with the *Shrewsbury and Birmingham* Railway Company, the *Shrewsbury and Hereford* Railway Company, and the *Shropshire Union* Railways and Canal Company, and are also joint Proprietors of a Station in the City of *Chester*, along with the *London and North-western* Railway Company, the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and the *Chester and Holyhead* Railway Company; and it is expedient that Provision should be made for the Settlement by Arbitration of all Questions, Disputes, and Differences



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Differences which may arise between the Companies joint Proprietors of the said Stations in *Shrewsbury* and *Chester* as aforesaid respectively, in regard to the Arrangement, Management, or Use of the said Stations respectively: And whereas it is expedient that the Company should be authorized to raise by the Creation of Shares in addition to their present Capital such Sums of Money as may be necessary for carrying into effect all or any of the Purposes aforesaid: And whereas it is also expedient that the Powers herein-after mentioned should be granted to the said *Shrewsbury and Chester Railway Company*, and that they should be empowered to make such Arrangements as are herein also after mentioned, and that the Powers and Provisions of the said recited Acts, or some of them, should be altered, amended, and enlarged, but these several Purposes 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,

Interpre-  
tation of  
Terms.

I. That in this Act the following Words and Expressions shall have the Meanings hereby assigned, unless there be anything in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "Person" and "Parties" shall extend to Corporations, whether aggregate or sole:

The Expression "the said recited Acts" shall mean the Acts of Parliament relating to the "*North Wales Mineral Railway Company*," the "*Shrewsbury, Oswestry, and Chester Junction Railway Company*," and the "*Shrewsbury and Chester Railway Company*:"

The Expression "the Company" shall mean "*The Shrewsbury and Chester Railway Company*."

Recited Acts  
extended to  
this Act.

II. That the said recited Acts and this Act shall be construed and read together as forming One Act, and the Branch Railways and Works connected therewith hereby authorized to be made shall, when made, form Part of the Works of the *Shrewsbury and Chester Railway Company*, and shall as such be subject to the Provisions of the said recited Acts in so far as the same are applicable thereto.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to use the Expression "*The Shrewsbury and Chester Railway (Norton and Walton Branches) Act, 1852.*"

IV. That



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IV. That all the Provisions of the "Companies Clauses Consolidation Act, 1845," of the "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," shall be held to apply to the Purposes of this Act, and be read and construed as forming Part of this Act. 8 & 9 Vict. cc. 16., 18., & 20. to be read and construed with this Act.

V. That it shall be lawful for the said Company to make and maintain the several Branch Railways, with all proper Works and Conveniences respectively connected therewith, as after mentioned; (that is to say,) firstly, a Railway commencing by a Junction with the Main Line of the *Birkenhead, Lancashire, and Cheshire Junction Railway*, in the Township of *Norton*, in the Parish of *Runcorn*, in the County of *Chester*, and passing entirely within the said Township of *Norton*, and terminating at or near the Duke of *Bridgewater's* Canal and Warehouses in the said Township of *Norton*; and, secondly, a Railway commencing by a Junction with the Main Line of the *Birkenhead, Lancashire, and Cheshire Junction Railway*, in the Township of *Lower Walton*, in the Parish of *Runcorn*, and passing entirely within the said Township of *Lower Walton*, and terminating at or near the Bridge of the *London and North-western Railway* across the Canal belonging to the Trustees of the late Duke of *Bridgewater*, and the River *Mersey*, in the said Township of *Lower Walton*, all in the County of *Chester*. Power to make Branch Railways.

VI. And whereas Plans and Sections of the said Branch Railways and Works connected therewith, showing the Lines and Levels and Situation thereof respectively, and the Limits within which the same are to be constructed, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of Lands or Buildings through which the same are intended to pass, have been deposited for public Inspection with the Clerks of the Peace for the County of *Chester*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this and the said recited and incorporated Acts contained, it shall be lawful for the said Company to make and maintain the said Branch Railways and Works connected with the same respectively, in the Lines and Situation and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject to the Provisions in this and the said recited and incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the said Lands and Buildings as shall be necessary for the Purposes aforesaid. Branch Railways and Works to be made according to deposited Plans.

VII. That all Works authorized by this Act to be made or executed over, upon, under, or across the Lands or Hereditaments Works executed upon the Lands of  
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the Mersey and Irwell Navigation Company, and of the Bridgewater Trustees, to be done to their Satisfaction.

of the said Trustees under the Will of the said Duke of *Bridgewater*, or the Canal, Lands, and Hereditaments of the said Company of Proprietors of the *Mersey and Irwell* Navigation respectively, and the Towing-paths of such Canal, shall, if executed, be made and completed in the Line and Direction and according to Plans and Sections and on the Levels (within the authorized Limits of Deviation) and Dimensions previously submitted to and approved of by and to the entire Satisfaction of some Civil Engineer or Engineers to be from Time to Time appointed by the said Trustees and Company of Proprietors respectively, who shall at all Times have full Liberty, Power, and Authority, with or without any Assistance or Workmen, to inspect and examine the same during the Progress of the Works, and after the Completion thereof respectively.

Reservation of Rights of the Mersey and Irwell Navigation Company and of the Bridgewater Trustees.

VIII. That, except as hereby is expressly authorized, nothing in this Act shall extend to take away, diminish, alter, or prejudice all or any of the Rights, Privileges, Powers, Exemptions, or Authorities vested in the said Company of Proprietors of the *Mersey and Irwell* Navigation, and in the said Trustees under the Will of the late Duke of *Bridgewater* respectively; but all such Rights, Privileges, Powers, Exemptions, and Authorities, shall and may henceforth and at all Times be used, exercised, and enjoyed in as full, ample, and beneficial a Manner as if this Act had not passed.

Reservation of Rights of Shrewsbury and Chester Railway Company to effect Junction.

IX. Provided always, That nothing herein contained shall affect or be construed to affect the Right of the *Shrewsbury and Chester* Railway Company to form a Junction or Junctions with the said Navigation and Canal, in such a Manner as may be found necessary for effecting a complete and sufficient Interchange of Traffic between the said Railway and Branches and the said Navigation and Canal, opposite or adjacent to any Property acquired or to be acquired by the said *Shrewsbury and Chester* Railway Company, and so as not to impede or obstruct the other Traffic on the said Navigation and Canal respectively; and, in case of Difference of Opinion, that the same shall be settled by Arbitration in the Manner provided for by the Railway Clauses Consolidation Act, 1845.

As to Communication, &c. of Railways with Birkenhead, Lancashire, and Cheshire Junction Railway.

X. That the Railway hereby authorized to communicate with the *Birkenhead, Lancashire, and Cheshire Junction* Railway at *Lower Walton* shall communicate therewith on the South Side thereof, and not otherwise, and not elsewhere than at the Point where, according to the Plan deposited as in this Act mentioned, such Railway appears to communicate therewith, without the Consent in Writing of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, under their Common Seal; and the Railway hereby authorized



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authorized to communicate with the said *Birkenhead, Lancashire, and Cheshire Junction* Railway at *Norton*, shall communicate therewith on the South Side thereof, and not otherwise, and not elsewhere than at the Point where, according to the Plan deposited as in this Act mentioned, such last-mentioned Railway appears to communicate therewith, without the Consent in Writing of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, under their Common Seal; and that all Communications between the Railways hereby authorized and the said *Birkenhead, Lancashire, and Cheshire Junction* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and to the reasonable Satisfaction of the Engineer for the Time being of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

XI. That the Expense of the Communications hereby authorized with the *Birkenhead, Lancashire, and Cheshire Junction* Railway, and of all necessary Openings in the Rails thereof respectively, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, and also of keeping the same in repair and in a right Position, shall be borne and paid by the *Shrewsbury and Chester* Railway Company; and that all such Communications, Openings, and other Works shall not only be in the first instance made and done, but also shall from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the Engineer for the Time being of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, on each Occasion, and in such Manner and Form, and by such Ways and Means, as shall not in anywise prejudice or injure the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or (except in so far, if at all, as may be unavoidably necessary for effecting the Communications hereby authorized) impede, or obstruct, or interfere with the free, uninterrupted, and safe Passage along the said Railway; and the Control and Management of all such Communications, Openings, and other Works shall be and the same is hereby vested exclusively in the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Communi-  
cations, &c.  
to be made  
at the Cost of  
the Shrews-  
bury and  
Chester Com-  
pany, and to  
be approved  
by the En-  
gineer of the  
*Birkenhead,  
Lancashire,  
and Cheshire  
Junction  
Railway.*

XII. That the Extent of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres, in addition to the Lands authorized to be purchased by the said recited Acts for similar Purposes.

Lands for ex-  
traordinary  
Purposes.

XIII. That



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Period for the compulsory Purchase of Lands limited.

XIII. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for the Completion of Works.

XIV. That the said Branch Railways and Works connected with the same respectively shall be completed within Five Years from the passing of this Act, and on the Expiration of the said Period the Powers by this or the said recited Acts granted to the Company for executing the said Railways or otherwise in relation thereto shall cease to be exercised, except as to so much of the said Railways and Works as shall then have been completed.

Level Crossing.

XV. That, subject to the Provisions in this Act and in "The Railway Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway secondly above-mentioned to carry the same across and upon the Level of the public Road numbered 8 in the Parish of *Runcorn* on the Plans deposited as aforesaid.

Station or Lodge to be erected at the Point of Crossing.

XVI. That the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the before-mentioned Road on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Penalty.

Board of Trade may require a Bridge in lieu of level Crossing.

XVII. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the said Road either over or under the Railway by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that when any such Road shall be so carried either under or over the Railway, it shall not be necessary for the Company to erect or main-  
tain



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tain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for failing to do so.

XVIII. That the Company may, subject to the Provisions of the said recited Act passed in the Tenth Year of the Reign of Her present Majesty, intituled "*The Shrewsbury and Chester Railway Act, 1846,*" lawfully demand and receive in respect of the said Branch Railways respectively hereby authorized to be made, for or in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for or in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railways or any Part thereof respectively in Waggons or Carriages belonging to the Company of any Cattle or other Animals, Goods, Wares, Merchandise, Articles, Metals, and Things, such Amount of Rates, Tolls, or other Charges as by the said recited Acts the Company are authorized to demand and receive: Provided always, that the Company shall be entitled to charge for a Fraction of a Mile as for One Mile over and above a reasonable Charge for the Expense of loading and unloading where such Service is performed by the Company, but shall not be entitled to demand and receive Tolls as for Six Miles in respect of the Carriage of any Animals, Carriages, Goods, Articles, Matters, or Things upon the said Branch Railways or either of them, and all Provisions and Regulations in the said recited Acts contained relative to the Imposition and Collection and Recovery of Tolls, as also the Powers for leasing Tolls granted by the Act passed in the Ninth Year of the Reign of Her present Majesty, intituled "*The Shrewsbury, Oswestry, and Chester Junction Railway Act, 1845,*" shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Company to take the same Tolls as on the Main Line.

8 & 9 Vict. c. 42.

XIX. And whereas by the *Shrewsbury and Chester Railway (Birkenhead Station) Act, 1851,* Powers are granted to the *Shrewsbury and Chester Railway Company,* and all other Companies or Persons using the Railway belonging to such last-named Company with Engines and Carriages, to pass over and to use the Lines of Railway belonging to the *Birkenhead, Lancashire, and Cheshire Junction Railway Company,* and by the said Act it is enacted, that nothing therein contained shall authorize or empower the *Shrewsbury and Chester Railway Company* or any other Company or Person using their Railway with Engines and Carriages to receive, convey,

Local Traffic not to be interfered with.

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or



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or forward any Passengers, Goods, Cattle, or other Traffic, Matters, and Things, passing exclusively between *Birkenhead* and *Chester*, or between *Birkenhead* and the Terminus of the *Birkenhead, Lancashire, and Cheshire Junction* Railway at *Lower Walton*, or between *Chester* and the same Terminus at *Lower Walton*, or between any of the intermediate Stations on the said *Birkenhead, Lancashire, and Cheshire Junction* Railway: Be it enacted, That, notwithstanding the Construction of the Branch Railways by this Act authorized, it shall not be lawful for the *Shrewsbury and Chester* Railway Company, or any other Company or Person using their Railway with Engines and Carriages, to receive, convey, and forward any Passengers, Cattle, Goods, or other Traffic, Matters, and Things passing exclusively between *Birkenhead* and *Chester*, or between *Birkenhead* and *Lower Walton*, or between *Chester* and *Lower Walton*, or between *Chester* and the Point of Junction of the Railway by this Act authorized to be made at *Lower Walton* aforesaid with the *Mersey and Irwell* Navigation, or between *Birkenhead* and *Norton*, or between *Chester* and *Norton*, or between *Chester* and the Point of Junction of the Railway by this Act authorized to be made at *Norton* aforesaid with the Duke of *Bridgewater's* Canal, or between any of the intermediate Stations on the *Birkenhead, Lancashire, and Cheshire Junction* Railway.

Provision for the Use of the Railway hereby authorized by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

XX. That the *Shrewsbury and Chester* Railway Company shall allow the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and all other Companies or Persons using the Railway belonging to such last-mentioned Company with Engines and Carriages, to pass over and to use the Railways by this Act authorized to be constructed, or any Part of the same respectively, and also to use all Stations, Sidings, Watering Places, and other Conveniences belonging thereto, on such Terms and Conditions, and on Payment of such Tolls, Charges, Rent, or other Consideration, as may be agreed upon between the Parties respectively, or, failing such Agreement, on such Terms and Conditions, and on Payment of such Tolls, Charges, Rent, or other Consideration, as shall from Time to Time be determined by Two Referees, One to be named by each of the said Companies or Persons respectively, or by an Umpire, to be appointed by and between the said Referees in case of Difference; or if either of the Parties shall fail within a Period of Fourteen Days to appoint a Referee, or if such Referees cannot agree as to such Umpire, then by an Umpire to be appointed by the Board of Trade on the Application of either of the said Parties, and the Decision of such Referee or Umpire respectively shall be final and binding on the Parties; and it shall not thereafter be lawful for the *Shrewsbury and Chester* Railway Company to demand or levy, in respect of the Traffic



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Traffic passing to or from the said *Birkenhead, Lancashire, and Cheshire Junction* Railway, any Tolls or Charges other than such as shall be fixed by any such Agreement or Arbitration, anything in the said recited Acts or this Act relating to the *Shrewsbury and Chester* Railway Company to the contrary thereof in anywise notwithstanding; Provided always, that no such Agreement or Arbitration shall be valid or binding on any of the said Companies until the same shall have been approved by the Board of Trade.

XXI. That the Times at which the Trains of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall run upon the Railways hereby authorized shall be subject to the Byelaws and Regulations of the *Shrewsbury and Cheshire* Railway Company; but in the event of Objection by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to any of the said Byelaws and Regulations as affecting them, or in the event of Difference of Opinion between the said Companies as to the Time or Manner of running such Trains, or as to the said Byelaws and Regulations as affecting the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, such Objection or Difference shall be settled by Arbitration in manner last herein-before provided.

The Birkenhead, &c. Company to be subject to Byelaws, &c. of Shrewsbury and Chester Company.

XXII. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, except in so far as the same are hereby expressly altered, varied, or affected; but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby in all other respects expressly saved and reserved.

Saving Rights of the Birkenhead, &c. Company.

XXIII. And whereas the *Birkenhead* Improvement Commissioners, *Charles Potts, Thomas Dixon, and Francis Richard Price*, or some of them, are or claim to be Owners of the exclusive Ferry or Right of Ferry and Passage across the River *Mersey* from the Parish, Township, Chapelry, or Place of *Birkenhead* in the County of *Chester* to *Liverpool* in the County of *Lancaster*: And whereas the *Shrewsbury and Chester* Railway Company are desirous, for the Purposes of the Traffic on their Railway, to make Arrangements with the said Commissioners, *Charles Potts, Thomas Dixon, and Francis Richard Price*, for the Conveyance of such Traffic across the River *Mersey*, between the Places aforesaid: It shall be lawful for the said Commissioners, *Charles Potts, Thomas Dixon, and Francis Richard Price*, their respective Heirs, Successors, and Assigns, and the said Company, to make and enter into Arrangements for the Conveyance by

Powers to make Arrangements for conveying Goods, Passengers, &c. across the Mersey at Birkenhead.



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by the said Company or otherwise across the River *Mersey*, between the Parish, Township, Chapelry, or Place of *Birkenhead* aforesaid and *Liverpool* aforesaid, of Passengers, Goods, Merchandise, and Cattle conveyed or to be conveyed upon the *Shrewsbury and Chester Railway*; and for the Purposes aforesaid, and in order to carry out any such Arrangements, and so far as may not be inconsistent with the Terms and Provisions thereof, it shall be lawful for the said Company and they are hereby authorized and empowered to purchase, or to build and construct, navigate, maintain, and work, and also to charter or hire Steam-boats, Steam-tugs, Flats, or other Vessels to convey such Passengers, Goods, Merchandise, and Cattle, or to agree with any other Company or Person for the Conveyance thereof, between the Limits aforesaid: Provided always, that the Steam-boats and Steam-tugs provided by the Company under the Powers hereinbefore contained shall be used only for the Conveyance upon the River *Mersey* of Passengers, Goods, Merchandise, Cattle, and other Articles, Matters, and Things coming to or going from the said Railway, within the Limits hereinbefore prescribed; and if any Steam-boat or Steam-tug so provided by the Company as aforesaid, or to which they shall subscribe or contribute, shall be used for conveying Passengers or other Traffic for Hire, except as before mentioned, the Company shall be liable to a Penalty of Twenty Pounds for every such Offence.

Nothing to prevent Town Council of Liverpool, and Trustees of Liverpool Docks, to make Byelaws.

XXIV. Provided always, That nothing in this Act contained shall take away, prejudice, or affect, or be deemed or considered to take away, prejudice, or affect, the Right of the Council of the Borough of *Liverpool*, or of any Committee of the Council appointed for the Purpose, or of the Trustees of the *Liverpool Docks*, to make Byelaws, Rules, and Regulations for any Purpose for which the said Council, or Committee of the Council, or the said Trustees, now possess Power to make Byelaws, Rules, and Regulations.

General Saving of Rights.

XXV. Provided also, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights or Privileges, or any Power, Jurisdiction, or Authority now vested in or enjoyed by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, or the Trustees of the *Liverpool Docks* respectively, or alter, repeal, or affect any of the Acts of Parliament relating to the Docks or Harbour of *Liverpool* or the Works connected therewith, but that all such Rights and Privileges, and every such Power, Jurisdiction, Authority, and Act shall continue and be preserved, and be in force, as if this Act had not been passed.

XXVI. That



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XXVI. That, subject to the Provisions and Restrictions herein contained, it shall be lawful for the Company to purchase or to build and construct, navigate, maintain, and work, and also to charter or hire Steam-boats for tugging, or Steam-tugs and Flats, and to contract and make Arrangements with or to subscribe and contribute towards the Funds of any Company or Persons having, or making, or navigating Steam-tugs or Flats for the Purpose of conveying Goods, Cattle, or Merchandise to or from the Wharfs of the said Company situate at *Saltney* aforesaid, upon and along the River *Dee* between any Point situate between the Point of *Aire* and *Helbre* Island, or any Place not more than Two Miles to the Seaward of the said Point of *Aire*, along the Fairway or Mid-channel of the said River, and the said Wharfs at *Saltney*, and to do all such other Acts as may be necessary to enable them to carry fully into effect the Powers and Purposes aforesaid: Provided always, that the Steam-tugs provided by the Company, or to which they shall subscribe or contribute, under the Powers herein-before contained, shall be used only for the Purposes and within the Limits herein-before mentioned; and if any Steam-boat or Steam-tug belonging to the Company, or which they shall hire or charter, or to which they shall subscribe or contribute, shall be used for any other Purpose, or beyond such Limits as aforesaid, the Company shall be liable to a Penalty of Twenty Pounds for every such Offence.

Company enabled to maintain Steam-tugs, &c.

XXVII. That it shall be lawful for the said Company and they are hereby authorized to charge for the Conveyance of Passengers, Cattle, and Goods in such Steam-boats, Steam-tugs, Flats, or other Vessels as aforesaid such reasonable Rates or Sums as they shall think proper: Provided always, that the Scale of Rates or Sums to be so charged by the Company shall in the first instance be submitted by them to the Board of Trade, and that the Company shall not be entitled to demand the same until the said Board shall have signified their Approval thereof in Writing.

Rates to be charged for Use of Vessels.

XXVIII. That such Rates or Sums shall be at all Times charged to all Persons equally, and after the same Rate, in respect of all Passengers and Goods conveyed in a like Vessel or Vessels under the same Circumstances, and no Reduction or Advance shall be made either directly or indirectly in favour of or against any particular Company or Person using the said Steam-boats or other Vessels.

For securing Equality of Treatment.

XXIX. That the Powers hereby granted for the Purchase, Hire, and Use of Steam-boats and other Vessels as aforesaid shall not continue for a longer Term than Fourteen Years from the First Day

Powers as to Steam-boats, &c. not to continue after a certain Period.

[Local.]

27 R

of



*The Shrewsbury and Chester Railway (Norton and Walton Branches) Act, 1852.*

of *January* One thousand eight hundred and fifty-four, unless Parliament shall in the meantime extend such Term.

Provisions of former Acts to apply to Rates authorized to be taken.

XXX. That the Directors shall have the same or the like Powers with respect to the Management of the said Steam-boats and other Vessels as they have with respect to the Management and Superintendence of the Affairs of the Company generally; and all the Provisions and Regulations contained in the said recited Acts, or any of them, with respect to the Collection, Receipt, and Recovery of the Rates and Tolls authorized to be taken for the Conveyance of Passengers, Cattle, and Goods upon the Railway of the said Company, and for the Prevention of Fraud upon the said Company in respect thereof, shall (so far as the same are applicable) extend to the Passengers, Cattle, and Goods conveyed in and upon such Steam-boats, Steam-tugs, Flats, and other Vessels as aforesaid.

Company empowered to make Byelaws.

XXXI. That it shall be lawful for the said Company, and they are hereby authorized, from Time to Time, to make Byelaws, Orders, and Regulations in relation to Passengers, Cattle, and Goods whilst the same are conveyed in or upon or be on board such Steam-boats, Steam-tugs, Flats, or other Vessels as aforesaid, and also in relation to the Officers and Servants of the said Company, and to enforce the Observance of the same, by Penalties, in the same Manner as they are authorized to do with respect to Passengers, Cattle, and Goods conveyed upon their Railway, and with respect to such Officers and Servants, such Byelaws, Orders, and Regulations being previously sanctioned and authenticated in the same Manner as is required by the said recited Acts, and by the general Law relating to Railways; and such Byelaws, Orders, and Regulations, and all Penalties and Forfeitures in respect of the Breach thereof, shall be enforced and recovered in the same Manner as by the said Acts is provided with respect to Offences committed upon the Company's Railway; and all Offences committed on board of the said Vessels plying between *Liverpool* and *Birkenhead* shall be considered to be committed within the County of *Chester*, or within the County of *Lancaster*, and cognizable by any Justice of either of such Counties; and all Offences committed on board of the said Vessels plying to or from the Company's Wharfs upon the River *Dee* shall be considered to be committed within the County of the City of *Chester*, and cognizable by any Justice of such County.

Rates and Byelaws, how to be published.

XXXII. That a List of the Charges from Time to Time appointed to be taken for the Conveyance of Passengers, Cattle, and Goods in the Steam-boats, Steam-tugs, Flats, or other Vessels of or employed by the said Company between *Birkenhead* and *Liverpool*, and *vice versa*,



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*versâ*, and upon and along the said River *Dee* respectively, and the Substance of all such Byelaws, Orders, and Regulations as shall be made by the said Company in relation to such Passengers, Cattle, and Goods, shall be affixed, in manner provided by the said recited Acts, in the Station or Stations of the said Company at *Birkenhead*, and at *Saltney* respectively.

XXXIII. And whereas it is expedient that Provision should be made for regulating the Berthage of Vessels loading or unloading at the Company's Wharfs at *Saltney*, so as not to impede the Navigation of the said River *Dee*: Be it enacted, That when Vessels arrive at *Saltney* for the Purpose of loading or unloading at the said Wharfs, they shall be moored close to and parallel with the Quays, Wharfs, Shipping Stages, Piers, or Jetties of the said Company, and, as far as is practicable, in One continuous Line, and shall not be berthed or suffered to take Ground in the Fairway or navigable Channel of the said River, unless this shall arise from Accident; and the said Vessels shall be so ranged as that not more than Two Rows or Tiers of Vessels shall lie in the said River alongside or abreast of any of the said Quays, Wharfs, Shipping Stages, Piers, or Jetties at any One Time; and in case, at any Time, any Vessel shall not be moored close to and parallel with the said Quays, Wharfs, Shipping Stages, Piers, or Jetties, or in case more than Two Rows or Tiers of Vessels shall be found lying alongside or abreast of such Quays, Wharfs, Shipping Stages, Piers, or Jetties as aforesaid, and shall so continue for more than Two Tides, the Master of every Vessel lying outside the Second Row or Tier of Vessels lying next to the same Quays, Wharfs, Shipping Stages, Piers, or Jetties, or not lying moored or close to or parallel with the said Quays, Wharfs, Shipping Stages, Piers, or Jetties, shall be liable to a Penalty of Twenty Shillings for every Tide thereafter during which such Vessels shall remain or be lying outside such Second Row or Tier of Vessels as aforesaid, or shall not be moored close to and parallel with the said Quays, Wharfs, Shipping Stages, Piers, or Jetties, such Penalty to be recovered before Two Justices of the Peace for the Counties of *Chester* or *Flint*, who may cause such Vessel, and the Tackle and Furniture thereof, to be distrained, and kept until the Amount of Penalty and Costs awarded by them is paid and satisfied; and if the same be not paid within Seven Days after such Distress or keeping, the said Justices may cause the Property so distrained or kept, or any Part thereof, to be sold; and out of the Proceeds of such Sale, in the first place, the Cost of such Distress, Keeping, and Sale shall be paid; and, in the next place, One Moiety of the Penalty or Penalties awarded by such Justices shall be paid to the Person or Persons giving Information against such Vessel so lying as aforesaid, and the other

Regulating  
the Berthage  
of Vessels  
at Saltney.



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other Moiety thereof shall be paid to or for the Use of the Poor of the Parish of *Saint Mary on the Hill* in the County of the City of *Chester*.

Power to raise additional Capital by Creation of new Shares.

XXXIV. That, for the Purpose of raising such Sums of Money as may be necessary for all or any of the Purposes aforesaid, it shall be lawful for the said Company, at any General Meeting or Meetings specially convened for the Purpose, from Time to Time to raise by the Creation of Shares in addition to the Sums of Money which they are at present authorized to raise, such Sum or Sums of Money as may be necessary, not exceeding in the whole the Sum of Thirty thousand Pounds, and to apply the Monies received in respect of the same to the Extent of Fourteen thousand Pounds in the Construction and Maintenance of the said Railways and Works, and the Remainder of the said Monies in purchasing, constructing, or maintaining the said Steam-boats, Steam-tugs, Flats, or other Vessels.

Application of additional Capital.

Division of Capital into Shares.

XXXV. That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned, and shall be apportioned and allotted to such Persons and in such Manner as may be determined by the Order of any General Meeting of the Company specially convened for the Purpose.

Shares to form Part of the general Capital.

XXXVI. That all Shares which may be created under the Provisions of this Act shall form Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with respect to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls or otherwise, to which such general Capital may be subject, except as to the Amount of such Shares, which shall be determined as herein-before provided, and except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit, subject to the Provisions of this Act; and the Proprietors of such Shares shall be entitled to the same Number of Votes in respect thereof in proportion to the nominal Amount represented by such Shares as the Proprietors of the existing Shares of the Stock of the said Company.

Calls.

XXXVII. That One Fifth Part of each such Share shall be the largest Amount which shall be called at any One Time, and there shall be an Interval of at least Three Months between any Two successive Calls.

XXXVIII. That



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XXXVIII. That after the Capital by this Act authorized to be raised shall have been subscribed, and One Half of the entire Capital of the Company shall have been paid up, it shall be lawful for the Company, subject to the same or the like Provisions as are contained in the recited Acts with reference to the Monies thereby authorized to be borrowed, to borrow on Mortgage or Bond in addition to the Sums which they are already authorized to raise on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, and to apply the same for the Purposes of this Act or any of them; but all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages to be granted under the Provisions of this Act.

Power to borrow on Mortgage.

Former Mortgages to have Priority.

XXXIX. That it shall not be lawful for the Company out of Money by this Act or any of the said recited Acts relating to the said Company authorized to be raised by Calls in respect of Shares, to pay Interest or Dividends to any Shareholder on account of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls.

XL. That it shall not be lawful for the Company out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

XLI. That it shall also be lawful for the Company to make Arrangements and Agreements with the Trustees for the Time being of the Will of the Most Noble *Francis* late Duke of *Bridgewater*, or the Owners for the Time being of the *Bridgewater* Canal, and the Company of Proprietors of the *Mersey and Irwell* Navigation, or either of them, for the Conveyance and Interchange of Traffic upon or between their respective Undertakings; and all Contracts and Agreements between the Company and the said Trustees or

Companies empowered to enter into working Arrangements.



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the said Company of Proprietors, or either of them, for the Purposes aforesaid, under the Hand and Seal of the said Trustees or Owners, and sealed with the respective Common Seals of the said Companies, respectively, heretofore made or which shall hereafter be made, shall be valid at Law and binding upon them to all Intents and Purposes whatsoever.

Differences in regard to Shrewsbury Station to be settled by Arbitration.

XLII. That if any Questions, Disputes, or Differences shall arise between the Company and the said *Shrewsbury and Birmingham, Shrewsbury and Hereford,* and *Shropshire Union* Railways and Canal Company, or any or either of them, in regard to the Arrangement, Management, or Use of the said joint Station at *Shrewsbury*, the same shall from Time to Time, so often as they shall arise, be settled by Arbitration in the Manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Difference in regard to Chester Station to be settled by Arbitration.

XLIII. That if any Questions, Disputes, or Differences shall arise between the Company and the *London and North-western, the Birkenhead, Lancashire, and Cheshire Junction,* and *Chester and Holyhead* Railway Company, or any or either of them, in regard to the Arrangement, Management, or Use of the said joint Station at *Chester*, the same shall from Time to Time and so often as they shall arise be in like Manner settled by Arbitration as last aforesaid.

Power to reduce the Number of Directors.

XLIV. And whereas by "The *Shrewsbury and Chester* Railway Act, 1846," it is provided that the Number of Directors appointed by the Company shall be Fifteen, with Power to increase the Number of such Directors to Eighteen, or to reduce the same to not less than Twelve: And whereas the Number of the Directors at present acting is Twelve, and it is expedient that Power should be granted to reduce the Number of the said Directors: Be it enacted, That from and after the passing of this Act the Number of the said Directors shall be Twelve, and it shall be lawful for the Company from Time to Time to reduce the Number of such Directors, provided that such reduced Number be not less than Six, and again to increase such Number, provided the Number of Directors when so increased do not exceed Twelve.

Nothing to prejudice the Right of Sir W. W. Wynn to name a Director.

XLV. Provided always, That nothing herein contained shall in anywise interfere with, prejudice, or affect the Right of Sir *Watkin Williams Wynn*, or the Owner for the Time being of the Mansion called or known by the Name of *Wynnstay*, in the Parish of *Ruabon*, in the County of *Denbigh*, from Time to Time to appoint a Director of the Company, in addition to the Directors for the Time being appointed



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appointed on behalf of the Shareholders of the Company, or the Right of the present Nominee of the said Sir *Watkin Williams Wynn* to act as such Director.

XLVI. Provided always, That nothing in this Act contained shall in anywise interfere with, prejudice, or affect the Rights, Powers, Privileges, Jurisdiction, or Authority of the Company of Proprietors for recovering and preserving the Navigation of the said River *Dee*. Saving Rights of the River Dee Company.

XLVII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Works hereby authorized, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Works and Company, so far as the same shall be applicable thereto. Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XLVIII. Provided always, That nothing herein contained shall be deemed or construed to exempt the Works by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or for the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts. Railways to be subject to Provisions of any future General Act.

XLIX. That



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Branches) Act, 1852.*

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Expenses of  
Act.

XLIX. That all the Costs, Charges, and Expenses of and attending the obtaining and passing of this Act, or incidental thereto, shall be paid by the Company.

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LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1852.