



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxvii.

An Act to consolidate into One Act and to amend the Provisions of the several Acts relating to the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*; to define the Undertaking of the Company; and for other Purposes.

[1st July 1852.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh Year of the Reign of King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the City of Chester to Birkenhead*, whereby a Company was incorporated by the Name of the *Chester and Birkenhead Railway Company* for the Purposes therein mentioned: And whereas an Act was passed in the Session of Parliament held in the Third Year of the Reign of Her said present Majesty, intituled *An Act to amend the Act relating to the Chester and Birkenhead Railway, and to raise a further Sum of Money for the Purposes of the said Undertaking*: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of Her said present Majesty, intituled *An Act to authorize the Chester and Birkenhead Railway Company*

7 W. 4. &
1 Vict. c. 107.

3 & 4 Vict.
c. 2.

8 & 9 Vict.
c. 99.

[Local.]

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to

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to extend the said Railway from Grange Lane to Bridge End all in Birkenhead, and to amend the Acts relating to the said Railway: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, called "*The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1846,*" whereby the *Birkenhead, Lancashire, and Cheshire Junction Railway Company* was incorporated: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said present Majesty, intituled *An Act to enable the Birkenhead, Lancashire, and Cheshire Junction Railway Company to make a Deviation in the Chester Branch of their Railway, and for other Purposes:* And whereas another Act was passed in the said Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said present Majesty, called "*The Birkenhead, Lancashire, and Cheshire Junction Railway and Chester and Birkenhead Railway Amalgamation Act, 1847,*" whereby the *Chester and Birkenhead Railway Company* has become amalgamated with the said *Birkenhead, Lancashire, and Cheshire Junction Railway Company:* And whereas the Capital of the Company in Shares is as follows; (that is to say,) Thirty thousand Shares of the nominal Value of Twenty-seven Pounds Ten Shillings each, in this Act called "*Twenty-seven Pounds Ten Shillings Shares,*" Fifteen thousand Shares of the nominal Value of Twenty-two Pounds each, in this Act called "*Twenty-two Pounds Shares,*" Forty-five thousand Shares of the nominal Value of Thirty-one Pounds each, in this Act called "*Thirty-one Pounds Shares:*" And whereas Three hundred and forty-one "*Twenty-seven Pounds Ten Shillings Shares,*" One hundred and seventy-eight "*Twenty-two Pounds Shares,*" and Five hundred and sixty-four "*Thirty-one Pounds Shares,*" in this Act respectively called "*the unissued Shares,*" have not been issued: And whereas the Company are authorized to borrow on Mortgage or Bond any Sums not exceeding in the whole Six hundred thousand Pounds, of which Sum there is now due and owing on Mortgages or Bonds granted by the Company the Sum of Two hundred and twenty thousand one hundred Pounds, or thereabouts: And whereas the Time limited by the said recited Acts, or some of them, for the Purchase of Lands for and for the Construction of some of the Works thereby authorized, or some Parts thereof, has expired: And whereas it is expedient that Powers should be granted to alter the Mode of carrying the *Birkenhead, Lancashire, and Cheshire Junction Railway,* as authorized by the thirdly-recited Act, across a certain Road or Street in *Birkenhead* known as *Canning Street* or *Corporation Road,* so as to cross the said Road on the Level instead of carrying such Road over the Railway by a Bridge: And whereas it is also expedient to fix, ascertain, regulate, and limit the

Share

9 & 10 Vict.
c. 91.

10 & 11 Vict.
c. 223.

10 & 11 Vict.
c. 222.

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Share Capital and borrowing Powers of the Company, and to make Provisions in reference thereto: And whereas there are no existing Preference Shares in the Capital of the Company: And whereas it is expedient that the Provisions of the said recited Acts should be consolidated into One Act, and that certain of such Provisions should be amended, but the same cannot be done 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, in manner following; (that is to say,):

I. That (subject as herein-after provided) from and after the passing of this Act the *Birkenhead, Lancashire, and Cheshire Junction Railway Company* incorporated as herein-before mentioned shall be and the same is hereby dissolved, and the several herein-before recited Acts shall be and the same are hereby repealed. Recited Acts repealed.

II. That this Act may be cited for all Purposes as "The *Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.*" Short Title.

III. Provided always, That nothing in this Act contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions not specified and reserved in or otherwise expressly provided for by this Act, which, under or by virtue of the said recited Acts, or any of them, were given, granted, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making of or maintaining, or otherwise on account of the Railways and Works by the same Acts respectively authorized to be made and maintained, or to which such Persons or Corporations are or may be, or but for the Repeal of the said recited Acts would have been otherwise entitled under or by virtue of such Acts, or any of them, and which Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions were subsisting or capable of being exercised at the Time of the passing of this Act; but all such Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said Acts were not repealed; and such several Persons and Corporations shall be entitled to and shall have, use, and enjoy the same Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions, or such and so many of them as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if the said Acts had not been repealed, and shall and may have and be entitled to such Saving Rights.
or

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or the like Powers and Remedies upon and against the Company hereby incorporated for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions as under the Provisions of the said recited Acts they had, or were or might have been entitled to, against the Company hereby dissolved, in case the said recited Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expenses as under the Provisions of the said recited Acts, or any of them, would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the Company hereby dissolved in case the same Acts had not been repealed shall and may be payable by and recoverable from the Company hereby incorporated, in such Manner and by Ways and Means (except when they shall be otherwise provided for by this Act) as the same are respectively made payable and recoverable under the Provisions of the said recited Acts.

Provisions of
8 & 9 Vict.
cc. 16. 18.
and 20. in-
corporated
with this Act.

IV. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and that the said "Railways Clauses Consolidation Act" shall be applicable to the Railways and Works hereinafter referred to as forming the Undertaking of the Company hereby incorporated, as fully and effectually to all Intents and Purposes as if the said Railways and Works had been originally authorized to be constructed by this Act; and the said "Lands Clauses Consolidation Act" shall be applicable to all Lands which under or by virtue of this Act may be vested in or authorized to be acquired by the said Company for the Purposes of their said Railways and Works, as fully and effectually as if such Lands had been originally authorized to be purchased for the Purposes aforesaid by this Act: Provided always, that nothing in the said "Railways Clauses Consolidation Act" contained shall be held or construed to render necessary any Alteration in the Construction of any Railway or Part of any Railway, or any Work, which may have been made under the Authority of any Act passed prior to the passing of the said "Railways Clauses Consolidation Act."

Re-incorporation of
Birkenhead,
Lancashire,
and Cheshire
Junction
Railway
Company.

V. That from and after the passing of this Act the several Persons and Corporations who immediately before the passing thereof were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company hereby incorporated, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making, working, completing, and maintaining the Railways, Branches, and Works vested in

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in or made, or authorized to be made, by or for the said dissolved Company, under the Authority of the said repealed Acts or any of them, or any other Acts, and for the Purposes aforesaid shall be incorporated by the Name of "The *Birkenhead, Lancashire, and Cheshire Junction Railway Company*," and by that Name shall be a Body Corporate and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands within the Restrictions herein-after and in the "Lands Clauses Consolidation Act," as extended to this Act, contained, for the Purposes of the Act; and the Common Seal of the Company hereby dissolved shall be the Common Seal of the Company hereby incorporated.

VI. That the Undertaking of the Company hereby incorporated shall consist of the several Railways and Works which at the Time of the passing of this Act were vested in the Company hereby dissolved, or which were authorized to be constructed by them, and the Powers for constructing which shall be then in force and capable of taking effect, and which Railways and Works are the following; (that is to say,)

Defining the Undertaking of the Company.

First, a Main Line of Railway from the City of *Chester* to *Grange Lane* in the extra-parochial Chapelry or Township of *Birkenhead* in the said County of *Chester* :

Second, a Station Approach, with Station Accommodation, Works, and Conveniences connected therewith, being from *Grange Lane* aforesaid to *Monk's Ferry* in *Birkenhead* aforesaid :

Third, a Branch or Extension Railway from *Grange Lane* aforesaid to *Bridge End* in *Birkenhead* aforesaid, with Station Accommodation, Works, and Conveniences connected therewith at *Bridge End* aforesaid, and abutting on *Wallasey Pool* :

Fourth, a Share in the Station in the City of *Chester*, now used by the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*, the *Shrewsbury and Chester Railway Company*, the *London and North-western Railway Company*, and the *Chester and Holyhead Railway Company* :

Fifth, a Railway from the *London and North-western Railway* near the said Station in the City of *Chester* to *Lower Walton* in the Parish of *Runcorn* in the said County of *Chester*, where it forms a Junction with the *London and North-western Railway*.

VII. Provided always, That in any Case where, before the passing of this Act, any Contract hath been entered into or Notice given by the dissolved Company, for purchasing any Lands which they were

Compensation to be made where Contracts

[Local.]

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empowered

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have been entered into or Notice given.

empowered to purchase for the Purpose of constructing the several Railways or Portions of Railways and Works, the Powers for the Construction of which have expired, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Saving Rights of Owners, &c. to Compensation for Entry to survey and take Levels.

VIII. That nothing in this Act contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "the Lands Clauses Consolidation Act, 1845," contained; but the Company shall not be liable to make Compensation in any of the Cases aforesaid unless the Claim to such Compensation shall have been made within Six Months from the passing of this Act.

Railways, &c. vested in new Company.

IX. That from and immediately after the passing of this Act the Railways and Branches thereof respectively which were vested in or belonging to the said dissolved Company immediately before the passing of this Act, and whether made under the Powers of Acts of Parliament or with the Consent of Landowners, Dock Trustees, or Improvement Commissioners, or otherwise, and all Works attached thereto or made or provided for the Purposes thereof respectively, together with all Stations, Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing-places, Basins, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and Appurtenances to the said Railways, and to all Branches and Extensions thereof belonging, and all Lands, Rents, Tenements, Easements, Exemptions, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, and also all Choses in Action and Personal Estate and Effects whatsoever, of or to which the said dissolved Company was seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, shall be well and effectually vested in and belong to the Company hereby incorporated for their absolute Benefit.

X. That

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X. That where the Company hereby dissolved was immediately before the passing of this Act seised or possessed of or in anywise entitled to any Railway, Branch, Station, Work, or Hereditament, jointly or in common with any Company or Companies not hereby dissolved, or with any Person or Persons, then all such Right, Share, or Interest of and in the same Railway, Branch, Station, Work, or Hereditament as was vested in or belonged to the said dissolved Company, shall immediately after the passing of this Act be well and effectually vested in and belong to the Company hereby incorporated, in such Manner and Quality of Estate or Interest, and subject to such Obligations in respect of the joint or common Ownership thereof, as the said dissolved Company would have held and been subject to in case this Act had not been passed.

Joint Interests of the dissolved Company vested in new Company.

XI. That all Acts of Parliament and Provisions of Acts, other than and except the Acts hereby specially repealed, and all Gifts, Grants, Conveyances, Leases, Assignments, Assurances, Purchases, Sales, Titles by Possession and otherwise, Covenants, Contracts, Agreements, Rents, Annuities, Debts, Mortgages, Bonds, Securities, Liabilities, Verdicts, Judgments, Decrees, Orders, Inquisitions, Processes, Awards, Consents, Approvals, Certificates, Notices, and other Matters and Things enacted, made, executed, entered into, acquired, obtained, issued, incurred, made payable, served, published, or given to, with, from, by, upon, in favour of, against, or in reference to the Company hereby dissolved, or any Company whose Undertaking has been vested in or amalgamated or incorporated with the said dissolved Company, shall, from and after the passing of this Act, be as good, valid, and effectual, upon, or in favour of, or against, or in reference to the Company hereby incorporated, as the same respectively were good, valid, and effectual immediately before the passing of this Act upon, or in favour of, or against, or in reference to the Company hereby dissolved; and the Company hereby incorporated shall be considered as identical with the Company hereby dissolved, in reference to all such Matters as well as in reference to all other Transactions of and Matters relating to the said dissolved Company.

Grants, Conveyances, Contracts, &c. to continue in force.

XII. That no Action, Suit, Prosecution, Appeal or Notice of Appeal, Order or Decision of Justices, or Matter pending before Justices, Distress, Entry, Execution, Arbitration, or other Proceeding whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the said dissolved Company, previously to the passing of this Act, shall abate, or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect in favour of, or against, or in reference to the Company hereby incorporated, in the same Manner in all respects

Actions, &c not to abate.

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respects as the same would have continued and taken effect in favour of, or against, or in reference to the said dissolved Company if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the said hereby repealed Acts or any of them, or against any Byelaw or Regulation of or concerning the said dissolved Company, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the said hereby repealed Acts or any of them, or any such Byelaw or Regulation, may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not passed, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects considered identical with the Company hereby dissolved.

Rights of
Action
saved.

XIII. That nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy which the Company hereby dissolved had against any Person or Corporation, or which any Person or Corporation had against the said Company hereby dissolved at the Time of the passing of this Act; but that all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Company hereby incorporated in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the Company hereby dissolved if this Act had not been passed.

Act not to
affect Reso-
lutions or
Orders of
Meetings of
Proprietors,
Directors,
&c.

XIV. That nothing in this Act contained shall be held or construed to annul, prejudice, or affect any Resolution or Order of any Meeting of the Proprietors of the Company hereby dissolved, or of the Directors, or of any Committee of the Directors of the same Company, or any Company whose Undertaking has been vested in or amalgamated or incorporated with the said dissolved Company, nor any Call, Notice of Call, Register of Shareholders, Shareholders Address Book, Register of Transfers, Shares, Mortgages, Bonds, Loan Notes or Annuities, Books of Account, or other Register or Book whatsoever, of or relating to the same Companies or any of them; but that all such Resolutions and Orders, Calls, Notices, Registers, and Books respectively shall, notwithstanding the passing of this Act, continue in full Force and Effect, and be applicable to the Company hereby incorporated in like Manner and to the like Extent as they would have continued and been applicable to the Company hereby dissolved if this Act had not been passed.

XV. That

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XV. That in all Cases in which, under the Provisions of any of the Acts hereby repealed, or any Acts repealed by such Acts or any other repealed Acts relating to the said Company hereby dissolved, or to any Company dissolved by any of the said repealed Acts, any Sum of Money has already been paid by the Company hereby dissolved, or by any Company whose Undertaking has been vested in or amalgamated or incorporated with the Undertaking of such Company into the Bank of *England*, or to any Trustee or Trustees on account of the Purchase of any Land, or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, either by the Order of the Court of Exchequer, or the Court of Chancery or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been so paid into the Bank of *England*, or to such Trustee or Trustees as aforesaid, or pursuant to the Act or Acts under which the same would have been applied and disposed of if this Act had not been passed; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts respectively in relation to such Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, shall, for the Purposes of this Act, remain in full Force, and shall be construed and taken as if the Company hereby incorporated were named in each such Act, instead of the Company to which such Act relates.

Monies belonging to incapacitated Persons to be applied according to Provisions of Acts under which Purchases made.

XVI. That all Arbitrators, Umpires, Valuers, Surveyors, Receivers of Tolls, Constables, and all Auditors, Officers, Clerks, Servants, and Nominees whatsoever appointed by or for or relating to the Company hereby dissolved at the Time of the passing of this Act, shall continue and hold their respective Appointments, Offices, and Employments according to the Terms and Exigencies thereof, until the Determination thereof, or until their Removal therefrom by the Company hereby incorporated or otherwise in due Course of Law, and all such Arbitrators, Umpires, Valuers, Surveyors, Receivers, Constables, Auditors, Officers, Clerks, Servants, and Nominees shall have the same Duties, Powers, Privileges, and Advantages, and shall be liable to the same Responsibilities, Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act; and all Acts, Matters, and Things made, done, and permitted by them respectively in their respective Appointments, Offices, and Employments before the passing of this Act shall be as good, valid, and effectual to all Intents and Purposes, and have reference to the Company hereby incorporated, in like Manner and to the like Extent as they would

Present Officers, &c. continued.

[*Local.*]

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have

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have been good, valid, and effectual, and had reference to the Company hereby dissolved, if this Act had not been passed.

Officers
under former
Acts to
account.

XVII. That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects under or by virtue of any of the Acts relating to the said Company hereby dissolved, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Tolls, &c. to
be recover-
able.

XVIII. That all Tolls, Rates, and Charges made or imposed under or by virtue of the said repealed Acts or any of them, and which immediately before the passing of this Act were payable, or if this Act had not been passed would have become payable, to the said dissolved Company, shall, until the same shall be varied or altered under the Authority of this Act, be payable to the Company hereby incorporated, and shall and may be collected and recovered by such Means and under such Restrictions and Regulations as any Tolls, Rates, and Charges to be received in pursuance of this Act may be collected or recovered.

Saving Right
of Sharehold-
ers to unpaid
Dividends
and Interest.

XIX. That all Dividends and Interest which had accrued or were accruing to the Proprietors of Shares in the Company out of the Funds of the Company at the Time of the passing of this Act, and which shall not have been previously paid to them, shall be paid to such Proprietors up to the Time of the passing of this Act, notwithstanding the Repeal by this Act of the Act or Acts under which the same had accrued or were accruing.

Books, &c. to
be Evidence.

XX. That all Share Registers and other Registers, Books, Verdicts, and other Matters of Record and Documents whatsoever, and all Byelaws, Rules, and Regulations, and all certified and other authenticated Copies or Extracts of or from Registers, Books, Records, Documents, Byelaws, Rules, and Regulations made, kept, recorded, certified, and authenticated under or in pursuance of the several Acts hereby repealed, and which by any such Acts or otherwise were made Evidence or authorized to be given in Evidence, shall, notwithstanding the Repeal of such Acts, and the Dissolution and Re-incorporation

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poration by this Act of the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*, be admitted as Evidence in all Courts of Law and Equity and elsewhere as fully and effectually as the same respectively would or might have been admitted if this Act had not been passed.

XXI. That the several Maps, Plans, Sections, and Books of Reference, and Corrections and Certificates of Correction of Maps, Plans, Sections, and Books of Reference, which prior to or in pursuance of the herein-before recited Acts, or any of them, have been deposited with any Clerks of the Peace or Parish Clerks of the several Counties, Cities, Parishes, and Places to which the same relate, or any Parishes and Places adjoining thereto, shall remain in the Custody of the said Clerks of the Peace and Parish Clerks respectively, to the end that all Persons interested in any Manner therein may at all reasonable Times have Liberty to inspect the same and to take Copies thereof or Extracts therefrom at their Pleasure, such Persons paying to such Clerks of the Peace and Parish Clerks from whom such Inspection or Copy or Extracts may be demanded respectively the Sum of One Shilling for every such Inspection, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the First Hour, and at the Rate of Sixpence for every One hundred Words of such Copy or Extract; and the said Maps, Plans, Sections, and Books of Reference, and the said Corrections and Certificates of Correction thereof, or any Copy thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the respective Clerks of the Peace who have made the same, shall be admitted as Evidence in all Courts of Law and Equity or elsewhere, as fully and for all the like Intents as if this Act had not been passed.

Maps, Plans, &c. deposited to remain with the Clerks of the Peace, and to be open to Inspection.

XXII. That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Company at least.

Number and Qualification of Directors.

XXIII. That the several Persons herein-after mentioned, being respectively Directors of the Company hereby dissolved, shall be the First Directors of the Company hereby incorporated; that is to say; *James Bancroft, James Brown, Richard Bryans the younger, Peter Catterall, Peter Dickson, James Gandy, William Gibb, Henry Thomas Hope, Cephas Howard, Thomas Finchett Maddock, John Rogers, and Isaac Taylor*, and shall go out of Office at such Times, in such Order, and in such Rotation as they would have done if this Act had not been passed.

First Directors of the Company.

XXIV. That

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Power to vary the Number of Directors

XXIV. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Six.

Directors to go out by Rotation.

XXV. That the Number of Directors annually to go out of Office shall be One Third, as near as may be, of the entire Number of Directors for the Time being.

Quorum of Directors.

XXVI. That the Quorum of Directors of a Meeting of Directors shall be Five, until the Number of Directors shall be reduced to Six, when a Quorum of Directors for a Meeting of Directors shall be Three.

Share Capital.

XXVII. That the Capital of the Company in Shares shall (subject to the Powers in this and "The Companies Clauses Consolidation Act, 1845" contained with respect to the Conversion of borrowed Money into Capital) be Two million five hundred and fifty thousand Pounds.

Division of Capital into Shares.

XXVIII. That the said Capital of Two million five hundred and fifty thousand Pounds shall (subject to the Provisions herein-after contained for cancelling forfeited Shares and Shares liable to be forfeited, and the Creation and Issue of new Shares in lieu thereof) be divided into Classes of Shares of the following Numbers and nominal Amounts; (that is to say,)

Thirty thousand Shares of Twenty-seven Pounds Ten Shillings each;

Fifteen thousand Shares of Twenty-two Pounds each;

Forty-five thousand Shares of Thirty-one Pounds each;

And such Shares shall respectively be known as "Twenty-seven Pounds Ten Shilling Shares," "Twenty-two Pounds Shares," and "Thirty-one Pounds Shares."

Power to issue un-issued Shares.

XXIX. That notwithstanding the Repeal of the said recited Acts the Company may from Time to Time issue the unissued Shares to such Persons as the Company may think fit.

Shares to vest in the Proprietors of Shares of the dissolved Company.

XXX. And whereas the Shares in each of the before-mentioned Classes of Shares of the Company hereby dissolved were numbered throughout by progressive Numbers: Be it enacted, That every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in One or more Class or Classes in the Capital of the Company hereby dissolved, shall in respect thereof be possessed of or entitled to a like Number of Shares of the same Class or Classes respectively, and of the

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the same nominal Value, and marked by the same progressive Number or Numbers, in the Capital of the Company hereby incorporated, and such Shares are hereby vested in such Persons and Corporations accordingly.

XXXI. That the Certificates of the original Shares created under the Powers of the Acts hereby repealed, and which shall be existing at the Time of the passing of this Act, shall be the Certificates of the Shares created by this Act in substitution of such original Shares; and it shall not be necessary or required for the Company to issue fresh Certificates in respect of such Shares except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged, or lost or destroyed.

Certificates of old Shares to apply to the new Shares.

XXXII. That all Persons and Corporations in whom any of the said new or substituted Shares shall become vested under the Provisions aforesaid shall stand and be possessed of every such Share upon the same Trusts and subject to the same Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, as the Trusts, Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, upon and to which the original Share or Shares, for which such new Share or Shares was or were substituted, was or were subject and liable immediately before the passing of this Act; and so as to give effect to, and not revoke, any Will or other testamentary Instrument disposing of or affecting such original Share or Shares.

New Shares to be subject to the same Trusts as old Shares.

XXXIII. That all Sums of Money (if any) which at the Time of the passing of this Act shall have been called up and paid, or called up but not paid, for or on account of any Shares in the Capital of the Company hereby dissolved, shall be considered as having been called up and paid, or called up and not paid (as the Case may be), for or on account of the new Shares which shall be substituted for such original Shares by virtue of this Act, and all Rights and Remedies to or in respect of any Shares in the Capital of the Company hereby dissolved, on which Shares any Calls shall remain unpaid at the Time of the passing of this Act, or which Shares shall have been forfeited for Nonpayment of Calls, or otherwise affecting any such Shares, and whether such Rights and Remedies were Rights and Remedies of the Holders or Persons interested in such Shares, or of the said Company hereby dissolved, shall continue and be applicable to the Shares which shall be substituted for such original Shares by virtue of this Act, such substituted Shares being considered in all respects with reference to such Rights and Remedies as identical with

Calls paid upon the original Shares to be considered as paid upon the substituted Shares.

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the Shares for which they were substituted, and the Company hereby incorporated as identical with the Company hereby dissolved: Provided always, that the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and to the Forfeiture of Shares for Nonpayment of Calls, and to the Remedies of Creditors of the Company against the Shareholders, shall be applicable to the Share Capital of the Company remaining unpaid at the Time of the passing of this Act, and whether Calls shall have been made for the same or not prior to the passing of this Act.

Certain Shares cancelled.

XXXIV. That all Shares in the Company hereby dissolved, which at the Time of the passing of this Act have been forfeited, and the Forfeiture of which has been duly confirmed, shall, on the passing of this Act, be and the same are hereby cancelled, and all Rights, Claims, and Demands in respect thereof shall be and are hereby absolutely extinguished.

Power to Directors to agree with Shareholders in arrear for an Assignment of their Shares, instead of forfeiting same.

XXXV. That, instead of proceeding to forfeit any Shares on which the Calls may be unpaid, it shall be lawful for the Directors, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General Meeting of the Company specially convened for the Purpose, in any Case where in their Opinion any Shares, if sold, would not produce a sufficient Sum to discharge the Arrears of Calls thereon, to agree with the Proprietor thereof for the Surrender of the same to the Company on such Terms as shall be authorized at such Meeting; and after such Surrender, which may be made by Deed Poll under the Hand and Seal of the Proprietor, the Shares so surrendered shall be cancelled.

Power to merge forfeited Shares in the Capital of the Company.

XXXVI. That in all Cases where any Share shall be declared forfeited, and such Declaration of Forfeiture shall be confirmed at a General Meeting of the Company in the Manner prescribed by the "Companies Clauses Consolidation Act, 1845," and Notice shall be given by the Company in the *London Gazette*, and in a Newspaper circulating in the County of *Chester*, of such Forfeiture, and that in case the Arrears of Calls and Interest due thereon shall not be paid within the Space of One Calendar Month from the Publication of such Notice such Share will be cancelled, then, in case such Arrears and Interest shall not be paid within such last-mentioned Period, and the Market Price of Shares of the same Class in the Company in the City of *London*, upon which the same Amount shall have been called, shall then or at any Time during the said Period of One Calendar Month be less than the Arrears of Calls and

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and Interest due in respect of such Share, the same Share shall be cancelled, and a Declaration in Writing made by some credible Person not interested before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that a Sum of Money sufficient to pay the Arrears of Calls and the Interest due in respect of such Share could not be obtained for the same, according to the Market Price of Shares in the City of *London*, shall be sufficient Evidence of the Facts therein stated, and the Proprietor of such Share shall, from and after the making of such Declaration, be precluded from all Right, Title, or Interest therein; but nevertheless such Forfeiture and Cancellation shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the Company the Arrears of Calls and Interest due in respect of such Share, after deducting therefrom the Market Value of such Share, according to the Market Price of Shares in the City of *London* at the Time of such Cancellation as aforesaid, or the Powers of the Company to enforce Payment thereof by Action.

XXXVII. That, in lieu and instead of any Shares so surrendered, forfeited, merged, or cancelled as aforesaid, it shall be lawful for the Company from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at a General Meeting of the Company specially convened for that Purpose, to create and issue such new Shares of such Amount, and with such Preference or Priority and Amount of Dividend not exceeding the Rate of Seven Pounds *per Centum per Annum*, and generally on such Terms as by the Order of any such Meeting shall be determined; provided that the aggregate Amount to be raised by the Issue of any such new Shares shall not exceed the aggregate Amount left unpaid on the old Shares in lieu of which such new Shares shall be issued at the Time of the Surrender, Forfeiture, Merger, or Cancellation as aforesaid of such old Shares.

Company may issue new Shares in lieu of Shares merged in Company.

XXXVIII. That it shall be lawful for the Company to borrow on Bond or Mortgage of their Undertaking for the Purposes thereof such Sums of Money as may have been authorized to be borrowed by Order of a General Meeting of the Company hereby dissolved, or otherwise as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company hereby incorporated, not exceeding in the whole, inclusive of such Sums as at the Time of the passing of this Act may be outstanding on Bond or Mortgage of the said Undertaking, or any Part or Parts thereof respectively, the Sum of Six hundred thousand Pounds.

Power to borrow.

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Act not to affect Validity of existing Mortgages, &c. or Rights of Priority of Creditors.

XXXIX. Provided always, That nothing herein-before contained shall be held or construed to affect the Validity of any Bond or Mortgage on the Undertaking of the Company hereby dissolved, or any Part or Parts thereof respectively, which shall be subsisting at the Time of the passing of this Act, nor to alter or affect the Rights or Priorities of the Holders of any such Bonds or Mortgages in respect of such Bonds or Mortgages respectively; but that all such Bonds and Mortgages shall continue, and all such Rights and Priorities shall remain as if this Act had not been passed, the Company hereby incorporated being, in respect of such Bonds and Mortgages, substituted for or considered identical with the Company hereby dissolved.

Power to raise Money by the Creation of Stock.

XL. That it shall be lawful for the Company from Time to Time, with the Approbation of Three Fifths at the least of the Votes of the Proprietors present in Person or by Proxy at a General Meeting of the Company specially convened for the Purpose, to raise by the Creation of Stock (the Amount thereof being paid up at once), with such Preference or Priority and Amount of Dividend not exceeding the Rate of Seven Pounds *per Centum per Annum*, and generally on such Terms as by the Order of any such Meeting shall be determined, any Money which they may be authorized to raise by Loan or the Creation of new Shares.

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

XLI. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 said Company to construct any other Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

XLII. That the Company shall not, out of any Money by this Act, or any other Act relating to the Company, authorized by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay 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 that Behalf of "The Companies Clauses Consolidation Act, 1845."

Works being executed by dissolved

XLIII. Provided always, That (subject to the Provisions in this Act contained) all Works which, under the Provisions of the said recited

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recited Acts or any of them, the said dissolved Company is or was authorized or required to execute or complete, and which have not been already executed or completed, may be executed or completed, as the Case may be, by the Company hereby incorporated; and the same Company shall in every such Case have and be entitled to all such Powers for executing and completing such Works as the dissolved Company who, but for the passing of this Act, would have been authorized to execute and complete the same, was entitled to under the said Acts, and as fully as if the said Company hereby incorporated had been originally authorized and required to execute and complete the same Works instead of the Company who, but for the passing of this Act, would have remained authorized or required to execute and complete the same; and all the Clauses, Provisions, Powers, and Authorities contained in the Act or Acts authorizing the Execution or Completion of such Works, for purchasing and taking Land and in relation thereto, and to the Conveyance of such Land, and the Payment and Application of the Purchase Money thereof, shall, for the Purposes of this Act, remain in force, and be applicable to all Land which may be required to be taken for the Purposes of such Execution and Completion, and shall be construed and taken as if the Company hereby incorporated was named in such Act or Acts instead of the Company thereby authorized: Provided nevertheless, that where any particular Time is by the Acts authorizing the Execution or Completion of such Works, or any of them, limited for the Purchase of Lands or for the Execution or Completion of such Works, such Land shall be purchased and such Works shall and may be executed and completed within the Period so limited: Provided also, that nothing in this Act contained shall be deemed to revive any Powers granted to the Company hereby dissolved which have expired by Effluxion of Time or otherwise.

Company
to be com-
pleted.

XLIV. That, subject to the Provisions in the Railways Clauses Consolidation Act contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company hereby incorporated to carry the Railway by the said Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, authorized to be made across a certain Road in the extra-parochial Chapelry or Township of *Birkenhead* in the County of *Chester*, known as *Canning Street* or *Corporation Road*, on the Level thereof, instead of carrying the said Road over the Railway by means of a Bridge, as provided by the said Act; and within Six Months after the passing of this Act the Company shall and they are hereby required to take down, remove, and clear away the Embankments and other Works constructed or in course of Construction

Altering
Mode of
crossing Can-
ning Street,
Birkenhead.

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by the Company for carrying the said Road over the said Railway by means of a Bridge.

Company to erect a Station or Lodge at Point of crossing, and abide by Rules, &c. of Board of Trade.

XLV. That, for the greater Convenience and Security of the Public, the said Company hereby incorporated shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross on the Level the before-mentioned Road, and the said 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 said 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 any 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.

Power to apply surplus Capital to Works hereby authorized, &c.

XLVI. That it shall be lawful for the said Company hereby incorporated from Time to Time to apply the Monies, or any Part thereof, received in respect of Calls on the Shares in the Company, (and which may not, under the Act authorizing the Creation of such Shares, have been specifically directed to be appropriated to any particular or defined Purpose to which the same may now be applicable,) in paying off and discharging the whole existing Liabilities of the Company.

Power to purchase additional Lands.

XLVII. And whereas the Company were empowered by the said recited Acts, or some of them, to purchase and hold for extraordinary Purposes any Quantity of Land not exceeding in the whole One hundred and twenty Acres: Therefore it shall be lawful for the Company to purchase and take for extraordinary Purposes connected with their said Railways any Quantity of Land not exceeding One hundred and twenty Acres, inclusive of all Lands which may already have been purchased for extraordinary Purposes under Powers in that Behalf contained in the said recited Acts, or any of them, and which Lands were vested in the Company hereby dissolved at the Time of the passing of this Act, and are by this Act vested in the Company hereby incorporated.

Power to take Offices on Lease or otherwise.

XLVIII. That the Company shall have Power and Authority, by the Resolution of any General or Special General Meeting, to purchase, hire, or take any Buildings or Lands, not exceeding Ten Acres,

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Acres, for the Purpose of Offices, or for the Purpose of erecting Offices or Warehouses for the Purposes of the said Railway thereon, adjoining to or at a Distance from the said Railway, in Fee Simple or on a Building Lease, or as Tenants for a Term of Years, or from Year to Year, and for that Purpose to enter into all such Arrangements, Contracts, Deeds, Covenants, and Instruments as they may be advised are necessary; and for that Purpose to affix the Seal of the said Company to any of such Instruments, which shall be binding upon the said Company and their Successors; and may also, at their own Expense, erect and build upon, or contract for the Erection upon such Land so to be bought or taken upon Lease as aforesaid, such Offices or Buildings for the Use of the said Company as shall to them seem meet and desirable.

XLIX. That, notwithstanding anything in this Act contained, it shall not be lawful for the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or for any other Company, or for any Person under or in execution of this Act, or for any other Purpose, or in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *London and North-western* Railway Company, or which they have Power to take under their Acts of Parliament, or in any Manner to alter, vary, or interfere with the said *London and North-western* Railway, or any of the Works appertaining thereto, save and except for the Purpose of making a Junction at or near the City of *Chester*, and at *Lower Walton* in the Parish of *Runcorn* in the County of *Chester*, without the previous Consent in Writing, on each Occasion, of the said *London and North-western* Railway Company.

Company not to take Property, or interfere with the Works of the *London and North-western* Railway Company without Consent.

L. 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 *London and North-western* Railway Company; but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise, are hereby expressly saved and reserved as against and with respect to the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Saving Rights of the *London and North-western* Railway Company.

LI. That the Company shall for ever hereafter maintain in perfect Repair the Bridge which has been constructed for carrying the Main Line of the Railway over the *Ellesmere and Chester* Canal in the Township of *Great Mollington* in the County of *Chester*; and any Bridge which may hereafter be constructed in lieu of any such Bridge shall be a good, firm, and substantial Bridge of Brick, Stone, or Iron over the said Canal and the Towing-path thereof, with proper Approaches thereto in the said Township, and shall be so constructed

Company to maintain Bridge over the *Ellesmere and Chester* Canal.

as

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as to leave within the Abutments of the Arch thereof a free, open, and uninterrupted navigable Waterway of Sixteen Feet in Width, together with a Towing-path of Five Feet in Width, and the Abutments of the said Bridge shall be carried up perpendicularly to the Height of Four Feet above the Surface of the Water of the said Canal at the Place of crossing, and the Arch shall not rise less than Six Feet from its springing to the under Side of the Keystone of the said Arch; and the said Company shall and they are hereby required during the Progress of constructing any such Bridge, or the necessary Repairs thereof, or of the said existing Bridge, from Time to Time and at all Times to leave a free, open, and uninterrupted navigable Waterway in the said Canal of not less than Twelve Feet in Width and Nine Feet in Height under the Centering to be used for constructing or repairing the Bridge.

To prevent the Ellesmere and Chester Canal being diverted.

LII. That nothing in this Act contained shall take away, diminish, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the said *Ellesmere and Chester* Canal, or authorize or empower the said Railway Company to alter the Line or Level of the said Canal, or the Towing-paths thereof, or any Part or Parts thereof respectively, or in any Manner to obstruct the passing of Boats, Barges, or other Vessels along the said Canal or any Part thereof, or so to divert any of the Waters therein, or of the Streams, Brooks, or Rivulets which may have been taken for the Use of or which now supply the said Canal with Water, as in any Manner to injure any of the Works of the said Canal; and that it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway deposited with the Clerks of the Peace for the several Counties through which the said Railway is intended to pass, by which Deviation any of the Locks, Side Ponds, Towing-paths, Bridges, Banks, or Feeders, or of any other Works of or belonging to the said Canal shall be taken, used, or damaged, without the Consent in Writing of the said Company of Proprietors of the said *Ellesmere and Chester* Canal under their Common Seal first had and obtained.

To prevent the Ellesmere and Chester Canal being obstructed.

LIII. That if in the rebuilding of the said Bridge, or by any Act or Omission of the said Railway Company, their Agents, Servants, or Workmen, or if by reason or in consequence of the Works now constructed, the said *Ellesmere and Chester* Canal or the Branches thereof shall at any Time be so obstructed as that Boats, Barges, or other Vessels using the same cannot conveniently pass along the same, and then and in either of the said Cases it shall and may be lawful for the said Company of Proprietors of the said Canal, at the Costs and Charges of the said Railway Company, to remove, take, and put away any such Obstruction or Impediment as aforesaid, and to make good

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good all Damage or Injury done to the said Navigation thereby; and that the said Railway Company shall pay to the said Company of Proprietors of the said Canal, as or by way of ascertained Damages, all Costs and Charges to be incurred as aforesaid, and also the Sum of One hundred Pounds for every Twenty-four Hours during which such Obstruction or Impediment shall continue on the said Canal, and so in proportion for any less Time than Twenty-four Hours; and in default of Payment of such Costs and Charges or of the said Sum of One hundred Pounds, or such Proportion thereof as shall become due, on Demand made of or from the Treasurer of the said Railway Company, provided such Demand be in Writing and fully and accurately state the Particulars thereof, any Two or more of Her Majesty's Justices of the Peace for the said County of *Chester* shall and they are hereby required, on Application by the said Company of Proprietors of the said Canal, or their Clerk or Clerks or other Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount thereof to be levied by Distress and Sale of the Goods and Chattels of the said Railway Company, and to be paid to the said Canal Company, their Agent or Clerk, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the said Railway Company, or the said Company of Proprietors of the said Canal may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts at *Westminster*.

LIV. And whereas the Railway of the said Company is carried over the River *Weaver* and the *Weston* Canal in the said County of *Chester* by means of a Viaduct or Bridges as authorized by the said recited Acts: Be it enacted, That the said Railway Company shall at all Times for ever hereafter keep the said Viaduct or Bridges, and any future Viaduct or Bridges to be erected in lieu thereof, (and which shall be of the like Construction, Dimensions, and Materials as the said Viaduct and Bridges are now constructed,) in good and complete Order and Repair; and in case of any Want of Repair to the said Viaduct or Bridges, and Notice thereof being given by the Clerk or Engineer of the Trustees of the River *Weaver* Navigation to the said Railway Company, their Agent or Clerk, if the said Railway Company shall not for the Space of Seven Days after such Notice commence such Repairs and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the said Trustees of the River *Weaver* Navigation, immediately after the Expiration of the said Seven Days, to make all such Repairs to the said Viaduct or Bridges as they may think necessary, and all

Company to maintain Viaduct over River *Weaver* and *Weston* Canal in repair.

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the Expenses thereof shall be repaid by the said Railway Company to the said Trustees upon Demand; and in default of such Payment any Two or more of Her Majesty's Justices of the Peace for the said County of *Chester* shall and they are hereby required, on Application by the said Trustees or their Clerk, or other Person authorized by them, by Warrant under the Hand and Seals of the said Justices, to cause the Amount of such Expenses, which shall be first settled and allowed by such Justices, to be levied by Distress and Sale of the Goods and Chattels of the said Railway Company, and to be paid to the said Trustees, their Agent or Clerk, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of making the said Distress and Sale, to the said Railway Company; or otherwise the said Trustees of the River *Weaver* Navigation shall and may sue for and recover the same against the said Railway Company, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Damages done to the River *Weaver* or the *Weston* Canal to be repaired by the Company.

If Company neglect to repair, Trustees to make good the Damage, and charge the Expense to the Company.

LV. That in case the said Railway Company shall, in the Execution of any of the Works by this Act authorized to be made, injure or damage the said River *Weaver* or the *Weston* Canal, or the Banks or Bed thereof, or of either of them, or the Towing-paths on the Sides thereof, or any other of the Works belonging thereto or connected therewith, they the said Railway Company shall and they are hereby required immediately to repair and make good at their own Expense such Injury or Damage, and also to pay to the said Trustees of the River *Weaver* Navigation the full Amount of all Loss or Damage which they, as such Trustees, may thereby sustain or be put unto; and in case the said Company shall not, on receiving Three Days Notice in Writing from the Clerk or Collector of the said Trustees of the River *Weaver* Navigation, repair and make good, or begin and proceed with all due Despatch to repair and make good, such Damage and Injury, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at the Expiration of such Notice, by themselves, their Agents, Servants, or Workmen, to repair and make good such Injury and Damage; and all the Expenses thereof, and also the Loss or Damage occasioned thereby, shall be repaid by the said Company to the said Trustees of the River *Weaver* Navigation; and in default of Payment thereof on Demand (so that such Demand be in Writing, and fully and accurately state the Particulars of all such Expenses, Loss, and Damage), the said Trustees of the River *Weaver* Navigation shall and may sue for and recover the same against and from the said Company by Action of Debt, or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; and in case by and during the Progress of the Works, or
the

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the Repairs thereof, by this Act authorized to be made, or by reason of any of the Causes aforesaid, the Flats, Barges, or Vessels navigating the said River *Weaver* or the said *Weston* Canal shall not be able to pass along the same, or in case the Waterway of the said River *Weaver* or the said *Weston* Canal shall in any way be injured or narrowed further or otherwise than is by the said recited Acts authorized, then and in every of the said Cases the said Company shall pay unto the said Trustees the Sum of One hundred Pounds *per* Day as liquidated or ascertained Damages for such Interruption for each and every Day that the Navigation of the said River *Weaver* or the said *Weston* Canal shall be so interrupted as aforesaid, and so long as the same shall continue, and so in proportion for any Period less than a Day, to be recovered in manner aforesaid; and also shall and will make Compensation to all other Parties navigating on the said River *Weaver* or the said *Weston* Canal for all Loss or Injury which they severally may sustain by such Obstruction or Delay as aforesaid, to be recovered in like Manner.

LVI. Provided always, That nothing herein contained shall extend or be deemed or construed to extend to authorize the said Railway Company to divert, take, or use any of the Water of the said River *Weaver* or of the said *Weston* Canal, or to prejudice, diminish, alter, take away, or affect any of the Rights, Privileges, Powers, or Authorities of the said Trustees of the River *Weaver* Navigation, or of their Successors, except as the same are or may be by the said recited Acts and this Act expressly and specifically varied, altered, repealed, or interfered with, but all such Rights, Powers, Privileges, and Authorities shall remain and continue in force as if the said recited Acts and this Act had not been passed.

Nothing herein to affect the River *Weaver* or the *Western* Canal.

LVII. That if in the Maintenance or Repair of the Bridge over the *Bridgewater* Canal in the Township of *Norton* in the County of *Chester*, which by the fourthly herein-before recited Act was authorized to be constructed, or by reason of any Act or Omission of the Company, their Agents, Servants, or Workmen, the said Canal or the Towing-path thereof shall at any Time be obstructed or impeded, or if any Boats, Barges, or other Vessels using the said Canal cannot pass along the same, or shall be impeded in such Passage, or if any Leakage be occasioned to the said Canal, or the Water thereof be wasted by reason of the said Works, or by reason of any Act or Default in or about the Maintenance or Repair thereof, then and in any of such Cases it shall be lawful for the Devises in Trust of the late Duke of *Bridgewater*, at the Costs and Charges of the Company, to remove, take, and put away such Obstruction or Impediment, and to repair and stop any such Leakage or Waste of Water, and to repair

Providing for any Impediment or Obstruction occurring to the *Bridgewater* Canal during the repairing, &c. of the Bridge over said Canal.

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and make good all Damages or Injury done to the said Navigation and Works by any such Obstruction, Impediment, Leakage, or Waste of Water, and the Company shall pay to the said Devises in Trust, as or by way of ascertained Damages and not as a Penalty, the Sum of Five Pounds for every Hour during which any such Obstruction, Impediment, Leakage, or Waste of Water shall continue until the Expiration of Three Days from the Commencement or Discovery of such Obstruction, Impediment, Leakage, or Waste; and from and after the Expiration of such Three Days, or if such Impediment, Obstruction, Leakage, or Waste of Water shall have been occasioned by any wilful Act on the Part of the Servants or Persons employed by the Company, then, from the Commencement or Discovery of such Obstruction, Impediment, Leakage, or Waste of Water, the Company shall pay to the said Devises in Trust the Sum of Twenty Pounds for every Hour during which such Obstruction, Impediment, Leakage, or Waste of Water shall continue, such Sum being, in either of the said last-mentioned Cases, computed from the Commencement of Discovery of such Obstruction, Impediment, Leakage, or Waste of Water, and as or by way of ascertained Damages; and, in addition to such ascertained Damages, the said Company shall repay to the said Devises in Trust the full Amount of the Costs, Charges, and Expenses incurred by the said Devises in Trust in and about the removing, taking, or putting away any and every such Obstruction or Impediment, or in and about repairing, stopping, or making good any such Leakage or Waste of Water, or other Injuries to the said Navigation or Works; and such Costs and Charges, and such Sum or Sums, as or in the Nature of Damages, shall in any Case be recovered in the same Manner as is provided by the Lands Clauses Consolidation Act, 1845, with respect to the Recovery of Forfeitures, Penalties, and Costs; and the Company shall be liable to make Compensation to all other Parties who may be at any Time entitled to use the said Canal for all Costs or Injury which they may respectively sustain by reason of any such Obstruction or Impediment to the said Navigation, and also to the Owners and Occupiers respectively of all Buildings, Lands, and Works which shall be injured or damaged by the breaking down of the said Canal, or the flowing of Water therefrom, in consequence of any such Act or Omission as aforesaid.

Nothing herein to prejudice Rights of Devises in Trust of Duke of Bridge-water.

LVIII. That, except as hereby is expressly authorized by the said recited Acts or this Act, nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said Devises in Trust by virtue of any Act or Acts of Parliament, or otherwise howsoever.

LIX. That

The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.

LIX. That it shall be lawful for the Company hereby incorporated Tolls.
to demand any Tolls for the Use of their Railways not exceeding the
following; (that is to say,)

1. In respect of the Tonnage of all Articles conveyed upon the
Railways, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime, and
Limestone, and all undressed Materials for the Repair of public
Roads or Highways, *per Ton per Mile* not exceeding One Penny;
and if conveyed in Carriages belonging to the Company, an
additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Coals, Culm, Coke, Charcoal, and Cinders, all Stones for
building, pitching, and paving, and all Bricks, Tiles, Slates,
Clay, and Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod
Iron, Hoop Iron, and all other similar Descriptions of Wrought
Iron and Iron Castings not manufactured into Utensils or other
Articles of Merchandise, *per Ton per Mile* not exceeding One
Penny; and if conveyed in Carriages belonging to the Company,
an additional Sum *per Ton per Mile* not exceeding One Half-
penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware,
Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils,
Vices, and Chains, *per Ton per Mile* Twopence; and if con-
veyed in Carriages belonging to the Company, an additional Sum
per Ton per Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and
all other Wares, Merchandise, Fish, Articles, Matters, or Things,
per Ton per Mile not exceeding Threepence; and if conveyed in
Carriages belonging to the Company, an additional Sum *per Ton*
per Mile not exceeding One Penny:

And for every Carriage of whatever Description having more than
Two Wheels, not being adapted and used for travelling on a
Railway, and not weighing more than One Ton, carried or con-
veyed on a Truck or Platform, *per Mile* not exceeding Sixpence;
and a like Sum of Twopence *per Mile* for every additional Quarter
of a Ton or fractional Part of a Quarter of a Ton which any such
Carriage may weigh; and if conveyed on a Truck or Platform
belonging to the Company, an additional Sum *per Mile* not
exceeding Twopence.

2. In respect of Passengers and Animals conveyed in Carriages Tolls for
Passengers
or Cattle.
upon the Railways, as follows:

For any Person conveyed in or upon any such Carriage, *per Mile*
not exceeding Twopence; and if conveyed in or upon any Car-
riage belonging to the Company, an additional Sum not exceeding
One Halfpenny:

[Local.]

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For

The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny.

Tolls for
propelling
Power.

LX. That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations
as to the
Tolls.

LXI. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand the Tolls and Charges herein-before prescribed as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number 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 Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of 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:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

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

LXII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls

*The Birkenhead, Lancashire, and Cheshire Junction Railway
Act, 1852.*

Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,) and Articles
of great
Weight.

For the Carriage of small Parcels on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcel exceeding Fifty-six 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 of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One 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 such Sum as they think fit, not exceeding Eightpence *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.

LXIII. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers
Luggage.

LXIV. Provided always, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums: Maximum
Rate of
Charge for
Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence *per Mile*:

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Halfpenny *per Mile*:

For

The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

For Animals and Goods.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge, including the Tolls for the Use of the Railway and Waggon or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, except the loading and unloading of Goods, shall not exceed the Sums following :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, the Sum of Fourpence *per* Mile :

For every Calf, Pig, Sheep, Lamb, or other small Animal, the Sum of One Penny Halfpenny *per* Mile :

For Carriages, the Sum of Sevenpence *per* Mile :

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Public Roads or Highways, the Sum of One Penny *per* Ton *per* Mile :

For all Coals, Culm, Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, One Penny *per* Ton *per* Mile :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, Twopence Halfpenny *per* Ton *per* Mile :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, the Sum of Threepence *per* Ton *per* Mile.

Rates for Cattle.

LXV. Provided always, That with respect to Cattle and Sheep, when a Waggon for the Carriage of Cattle or Sheep shall be engaged by One Party, the Charge for any such Waggon capable of containing Six Cattle or Thirty Sheep shall not exceed Ninepence *per* Mile.

Restriction as to Tolls for Passengers not applicable to Special Trains.

LXVI. Provided always, That the Restrictions as to the Charges to be made for Passengers shall not extend to any Special or Extra Train that may be required to run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

LXVII. That,

The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.

LXVII. That, notwithstanding anything in this Act contained, it shall be lawful for the Company hereby incorporated, and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and recover, either in respect of the Conveyance of such Goods, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods.

Power to charge extra for Goods by Agreement with the Owners.

LXVIII. That it shall be lawful for the Company hereby incorporated to demand and take, in addition to the Tolls, Rates, and Charges which they are now or hereafter may be authorized to take and demand, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company, and a further reasonable Sum for Warehousing and Wharfage, and for other extraordinary Services which may be reasonably and properly performed by the said Company in relation to such Goods; but no such Charges shall be made or demanded in respect of any Goods coming to or going from the Wharfs or Premises of the *Birkenhead Dock Company*, except in Cases where such Services shall be required by the *Birkenhead Dock Company*.

As to Charge for loading, &c.

LXIX. That from and after the passing of this Act it shall be lawful for the Company to demand and take, for the Use of any Cranes and Weighing Machines erected by the Company, of and from the Owner or Person having the Charge of any Goods, Articles, or Things loaded or unloaded, weighed or measured, by means of the same, such reasonable Rates as the Company shall from Time to Time appoint.

Rates for Cranes and Weighing Machines.

LXX. 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*

Railways 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.

The Birkenhead, Lancashire, and Cheshire Junction Railway Act, 1852.

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 last Session, 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 vested in the Company, 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 not exempt from Provisions of future General Acts.

LXXI. 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 to 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 or Alteration, under the Authority of Parliament, of the Rates for small Parcels or of the maximum Rates of Fares and Charges authorized by the recited Acts or this Act.

Expenses of Act.

LXXII. 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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