



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. cxcii.*

An Act for authorizing Arrangements with respect to the *South Reserve* at *Birkenhead*, and for other Purposes, and of which the Short Title is “The *Birkenhead* Dock Trustees Act, 1854.”

[24th *July* 1854.]

**W**HEREAS by the (Local) Act of the Seventh and Eighth Years of Her Majesty, Chapter Seventy-nine, certain Persons were appointed the Commissioners of the *Birkenhead* Docks, and were authorized to make a Sea Wall, tidal Basins, and other Works at *Birkenhead*: And whereas by the (Local) Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and forty-four, the Property, Powers, and Liabilities of the Commissioners of the *Birkenhead* Docks were transferred to a Body Corporate called “the Trustees of the *Birkenhead* Docks,” and in this Act called “the Trustees:” And whereas by “The *Birkenhead* Dock Trustees Act, 1850,” the Commissioners of Woods and Forests were authorized, with the Consent of the Treasury, to grant to the Trustees all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in the reclaimed Land at or near *Birkenhead* called “the *South Reserve*,” and the Trustees were authorized to mortgage, sell, demise, or otherwise dispose of the same

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as they should think fit: And whereas the *South Reserve* hath accordingly been granted to the Trustees: And whereas by "The *Shrewsbury and Chester* Railway (*Birkenhead* Station) Act, 1851," the *Shrewsbury and Chester* Railway Company were authorized, by Agreement with the Trustees or the Owners for the Time being of the *South Reserve*, to purchase or take on Lease so much of the *South Reserve* as that Company should deem necessary for making and to make a Station and Works thereon: And whereas under Arrangements made by the Trustees, several Persons are interested in the *South Reserve*: And whereas it is expedient that the *Shrewsbury and Birmingham* Railway Company and the *Great Western* Railway Company respectively be authorized to purchase or take on Lease or concur in purchasing or taking on Lease, and that the *Shrewsbury and Chester* Railway Company be also authorized to concur in purchasing or taking on Lease, the *South Reserve*, and that the Trustees and the several Persons interested in the *South Reserve*, and those Three Companies respectively, be authorized to make Arrangements with respect to such purchasing or taking on Lease: And whereas it is expedient that those Three Companies respectively be authorized to raise and apply Moneys for the Purposes of this Act: And whereas the following Acts have been passed relating to the *Birkenhead* Dock Trustees; (to wit,) the Local and Personal Acts of the Seventh and Eighth Years of Her Majesty, Chapter Seventy-nine; of the Eighth Year of Her Majesty, Chapter Four; of the Tenth and Eleventh Years of Her Majesty, Chapters Two hundred and sixty-four and Two hundred and sixty-five; of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and forty-four; of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred; and "The *Birkenhead* Dock Trustees Act, 1853:" And whereas the following Acts have been passed relating to the *Shrewsbury and Birmingham* Railway Company; (to wit,) the Local and Personal Acts of the Ninth and Tenth Years of Her Majesty, Chapters Three hundred and seven and Three hundred and eight; of the Tenth and Eleventh Years of Her Majesty, Chapter Eighty; of the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-five; and of the Fifteenth and Sixteenth Years of Her Majesty, Chapter One hundred and sixty-five: And whereas the following Acts have been passed relating to the *Shrewsbury and Chester* Railway Company; (to wit,) the Local and Personal Acts of the Seventh and Eighth Years of Her Majesty, Chapter Ninety-nine; of the Eighth and Ninth Years of Her Majesty, Chapters Forty-two and One hundred and fifteen; of the Ninth and Tenth Years of Her Majesty, Chapters Two hundred and fifty, Two hundred and fifty-one, Two hundred and seventy-four, and Two hundred and seventy-five; of the Tenth and Eleventh Years of Her Majesty, Chapter One hundred and forty-four; of the Twelfth and Thirteenth Years of Her Majesty, Chapter Fifty-five; and of the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and thirty-one; and of the Fifteenth and Sixteenth Years of Her Majesty, Chapter One hundred and forty-six:

And

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And whereas the following Acts have been passed relating to the *Great Western* Railway Company; (to wit,) the Local and Personal Acts of the Fifth and Sixth Years of *William* the Fourth, Chapter One hundred and seven; of the Sixth Year of *William* the Fourth, Chapters Thirty-six, Thirty-eight, Seventy-seven, and Seventy-nine; of the First Year of Her Majesty, Chapters Ninety-one and Ninety-two; of the First and Second Years of Her Majesty, Chapters Twenty-four and Twenty-six; of the Second Year of Her Majesty, Chapter Twenty-seven; of the Third Year of Her Majesty, Chapter Forty-seven; of the Third and Fourth Years of Her Majesty, Chapter One hundred and five; of the Fourth and Fifth Years of Her Majesty, Chapter Forty-one; of the Fifth Year of Her Majesty, Session Two, Chapter Twenty-eight; of the Sixth Year of Her Majesty, Chapter Ten; of the Seventh Year of Her Majesty, Chapter Three; of the Seventh and Eighth Years of Her Majesty, Chapter Sixty-eight; of the Eighth and Ninth Years of Her Majesty, Chapters Forty, Fifty-three, One hundred and fifty-five, One hundred and fifty-six, One hundred and eighty-four, One hundred and eighty-eight, One hundred and ninety, and One hundred and ninety-one; of the Ninth Year of Her Majesty, Chapter Fourteen; of the Ninth and Tenth Years of Her Majesty, Chapters One hundred and sixty-six, One hundred and eighty-one, Two hundred and thirty-six, Two hundred and thirty-nine, Two hundred and forty, Two hundred and seventy-eight, Three hundred and thirteen, Three hundred and fifteen, Three hundred and thirty-five, Three hundred and thirty-seven, Three hundred and thirty-eight, Three hundred and sixty-nine, and Four hundred and two; of the Tenth and Eleventh Years of Her Majesty, Chapters Sixty, Seventy-two, Seventy-six, Ninety-one, One hundred and one, One hundred and nine, One hundred and forty-nine, One hundred and fifty-four, Two hundred and twenty-six, and Two hundred and forty-two; of the Eleventh and Twelfth Years of Her Majesty, Chapters Twenty-eight, Fifty-nine, Seventy-four, Seventy-seven, Eighty-two, Ninety-five, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-three, One hundred and thirty-five, One hundred and fifty-eight, and One hundred and fifty-nine; of the Thirteenth Year of Her Majesty, Chapters Six and Seven; of the Thirteenth and Fourteenth Years of Her Majesty, Chapters Forty-four, Ninety-eight, and One hundred and ten; of the Fourteenth and Fifteenth Years of Her Majesty, Chapters Forty-eight and Eighty-one; of the Fifteenth and Sixteenth Years of Her Majesty, Chapters One hundred and twenty-five, One hundred and thirty-three, One hundred and forty, One hundred and forty-five, One hundred and forty-seven, and One hundred and sixty-eight; and of the Sixteenth and Seventeenth Years of Her Majesty, Chapters One hundred and twenty-one, One hundred and fifty-three, One hundred and Seventy-five, and Two hundred and twelve: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted

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enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. That this Act may be cited for any Purpose as "The *Birkenhead Dock Trustees Act, 1854.*"

Provisions of the *Birkenhead Dock Acts* apply to this Act. II. That all the Provisions, Matters, and Things contained in the recited Acts relating to the *Birkenhead Docks* respectively, so far as the same are now unrepealed and in force, and except so far as the same respectively are by this Act repealed, altered, or otherwise provided for, extend to this Act, and to the several Powers, Provisions, and Purposes thereof, as fully and effectually as if those Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to those Powers, Provisions, and Purposes.

Power for Three Companies to purchase, &c. South Reserve; III. That the *Shrewsbury and Chester Railway Company*, the *Shrewsbury and Birmingham Railway Company*, and the *Great Western Railway Company*, (in this Act called the Three Companies,) or any Two or any One of the Three Companies, may from Time to Time purchase or take on Lease or otherwise all or so much as they respectively think fit of the *South Reserve*, and which the Trustees and the Persons interested under them have Power to sell, mortgage, demise, or otherwise dispose of, and the Companies or Company so purchasing or leasing or otherwise taking the same may apply the same in whole or in part to any Purposes connected with their Railways or Railway respectively.

but only by Agreement with Trustees and Persons interested. IV. Provided always, That the Three Companies or any of them shall not purchase or take on Lease or otherwise any Part of the *South Reserve* except by Agreement with the Trustees and the several other Persons from Time to Time interested under the Trustees in the *South Reserve*.

Power to make Contracts for such Purchase, &c. V. That the Three Companies or any of them, and the Trustees and the Persons so from Time to Time interested in the *South Reserve*, may from Time to Time make and carry into effect all such Contracts and Arrangements for and with respect to the purchasing or taking on Lease or otherwise of all or any Part of the *South Reserve* as the Parties think fit.

Purchase, &c. to be subject to public Rights in South Reserve. VI. Provided always, That every such Purchase or taking on Lease or otherwise, and every such Contract or Arrangement in that Behalf, shall be subject and without Prejudice to all Rights by the recited Acts or any of them created or reserved for the Benefit of the Public in or affecting the *South Reserve* or any Part thereof, so far as immediately before the passing

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passing of this Act those Rights are in force or capable of being enforced or enjoyed.

VII. Provided also, That this Act or any thing therein contained shall not in any Manner affect or prejudice the Rights or Privileges, if any, of the *Shrewsbury and Chester* Railway Company under certain Articles of Agreement or alleged Agreement between the said Trustees on the One Part, and the *Shrewsbury and Chester* Railway Company on the other Part, bearing Date the Twelfth Day of *August* One thousand eight hundred and fifty-two, or otherwise.

Rights of  
Shrewsbury  
and Chester  
Railway  
Company not  
to be affected.

VIII. That the Three Companies respectively from Time to Time may and they are hereby empowered to raise by Shares or otherwise and to appropriate and apply such Parts of their respective Corporate Funds, which are not required for the Purposes authorized by any Acts or Act of Parliament by which the same were granted, as are requisite for any such Purchase or taking on Lease or otherwise, or any Expenditure in that Behalf, and may raise by the Creation of new Shares in their respective Capital, or by borrowing, or partly by new Shares and partly by borrowing, any Sums from Time to Time requisite for such Purposes; or the said Three Companies or any of them may borrow on Mortgage of the said *South Reserve*, or such Part thereof as may be purchased by them under the Powers of this Act such Sum or Sums as they may think fit, not exceeding in the whole the Price paid or agreed to be paid in respect of the same, and as a further Security to guarantee out of the Revenues arising from the said *South Reserve* or such Part thereof as aforesaid, and out of the Revenues of of the said Three Companies or any of them, to the Person or Persons advancing such Sum or Sums, the Repayment of the Principal Sum together with Interest, either by Instalments or by a single Payment, in such Manner as may be agreed on between the said Companies and such Person or Persons respectively.

Power for  
Three Com-  
panies to  
raise and  
apply Mo-  
nies for such  
Purchase, &c.

IX. That the Three Companies or any of them shall not, out of any Money by this Act or any other Act authorized to be raised by them respectively, 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 Three Companies respectively 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."

Interest not  
to be paid on  
Calls paid up.

X. Provided always, That the Three Companies or any of them shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in

Deposits for  
future Bills  
not to be paid  
out of Capi-  
tal raised  
under this  
Act.

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respect of any Application to Parliament for an Act authorizing the Three Companies respectively to make any Railway or execute any other Work or Undertaking.

Railway Companies 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.

XI. And whereas an Act was passed in the Second Year of Her Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and an Act was passed in the Fourth Year of Her Majesty, intituled *An Act for regulating Railways*; and an Act was passed in the Sixth Year of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and an Act was passed in the Eighth Year of Her 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 an Act was passed in the Session of Parliament held in the Tenth Year of Her Majesty, intituled *An Act for regulating the Gauge of Railways*; and an Act was passed in the Fifteenth Year of Her Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Therefore this Act or anything therein shall not exempt the Railways of the Three Companies respectively, or the Three Companies or any of them, from the Provisions of those Acts respectively, but such Provisions shall be in force in respect to those Railways and Companies respectively so far as the same are applicable.

Railways not exempt from Provisions of future General Acts.

XII. That this Act or anything therein shall not exempt the Railways of the Three Companies respectively from the Provisions of any General Act relating to the recited Acts or this Act, 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 this 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 recited Acts respectively, or the Rates for small Parcels.

Saving Rights of Trustees and Companies.

XIII. Provided always, That, except as is by this Act expressly provided, this Act or anything therein shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, Privileges, or Authorities of the Trustees and the Three Companies respectively, or any of them.

Saving Rights of the Birkenhead, Lancashire, and Cheshire Junction Railway Company.

XIV. 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 *Birkenhead, Lancashire, and Cheshire Junction Railway Company*, but all their Rights, Privileges, Powers, Franchises, and Authorities under their Act of Parliament and otherwise are hereby in all respects expressly saved and reserved.

XV. That

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XV. That all the Costs, Charges, and Expenses of and attending the obtaining and passing of this Act may be paid by the Three Companies respectively, or by any or either of them. Expenses of Act.

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