



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. ii.

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. [23d *March* 1840.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the City of Chester to Birkenhead*; and it was amongst other Things thereby enacted, that it should be lawful for the Company thereby incorporated to raise by Subscription amongst themselves the Sum of Two hundred and fifty thousand Pounds, and to borrow and take up at Interest on the Credit of the said Undertaking the further Sum of Eighty-three thousand three hundred and thirty-three Pounds, as in the said Act mentioned: And whereas the said Company have made considerable Progress in executing the Works authorized by the said recited Act, and have expended therein a large Proportion of the Capital authorized to be raised thereby; but it has been found that the Money which the said Company are so authorized to raise will not be sufficient to complete all the Works, and fully to carry into effect the Purposes of the said Act, and it is therefore expedient that the said Company should be authorized to raise a further Sum of Money, and that some of the Powers and Provisions contained in the said recited Act should be altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the

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

[*Local.*] D Queen's

Extending
Powers of
former Act
to this Act.

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, That all the Powers, Authorities, Provisions, Restrictions, Clauses, Matters, and Things contained in the said recited Act, so far as the same are now unrepealed and in force, and except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for, shall extend and be construed to extend to this Act, and to the Money hereby authorized to be raised, and to the Shares to be issued, and to the Securities to be granted or executed in respect of or for securing the same or any Part thereof, and the Transfer of such Securities, and the Proprietors or Holders thereof, their Successors, Executors, Administrators, and Assigns, and to the several other Purposes and Things hereby authorized to be effected and done, and shall, so far as the same may be applicable, operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act and made Part thereof.

Power to
create new
Shares for
the Purposes
of this Act.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or in part by each of those Means, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of One hundred and twenty-five thousand Pounds in addition to the Monies authorized to be raised and borrowed by the said recited Act; and the Monies so to be raised from Time to Time by Subscription shall be divided into distinct and integral Shares of such Amount, and shall be appropriated and disposed of in such Manner, and by such Ways and Means, as by the Order of any such Meeting shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferable as such, in the Manner provided and directed by the said recited Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares, as beneficially, to all Intents and Purposes, as the Proprietors of original Shares in the said Undertaking; and to such new Shares, and the Proprietors thereof, shall apply all the Powers to make Calls and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Act with reference to the original Shares in the said Undertaking and the Proprietors thereof, except as to the Time of making

Calls for the said new Shares, and the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered to appoint to be of such Amount and payable at such Times as they may think fit, and save so far as any other of such Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered; and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said *Chester and Birkenhead* Railway Company: Provided nevertheless, that the Proprietors of such new Shares shall only be entitled to Dividends or Profits in respect thereof in proportion to the Amount which shall have been actually paid upon such Shares at the Time of declaring such Dividends respectively, unless otherwise directed from Time to Time by an Order of any General or Special General Meeting of the said Company: Provided also, that the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing Fifty Pounds at least of the Capital Stock of the said Company.

III. And be it further enacted, That when and so soon as One Half of the Money authorized to be raised by Subscription by this Act shall have been paid up, it shall be lawful for the said Company, by Order from Time to Time of any General or Special General Meeting of the said Company, to borrow and take up at Interest, in addition to the Sum which they are by this Act authorized to raise as aforesaid, any Sum or Sums of Money not exceeding in Amount in the whole the Sum of Forty one thousand six hundred and sixty-six Pounds, and to secure the Repayment thereof, with Interest, in like Manner as the Sums authorized to be raised by Mortgage by the said recited Act (but subject and without Prejudice to any Mortgage made or to be made pursuant to the said recited Act, and to the prior Right of Payment of the Holder of every such last-mentioned Mortgage): Provided always, that such Securities, and the Dividends and Interest to arise thereupon, shall not be transferable unless by Instrument duly stamped in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid upon the said Securities unless to the *bonâ fide* Holders thereof, or the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same.

Power to raise Money on Mortgage.

IV. And be it further enacted, That it shall be lawful for the said Company, if they shall think fit, and they are hereby empowered, by Order from Time to Time of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or in Part by each of those Means, such Sum or Sums of Money as shall be sufficient for paying off and discharging the Whole or any Part of any Monies which they may have borrowed by virtue of this or the said recited Act from Time to Time; and the Money so to be raised

Power to create new Shares in lieu of or to pay off Mortgages.

raised from Time to Time by Subscription shall be divided into distinct and integral Shares, and shall be appropriated and disposed of in such Manner and by such Ways and Means as by the Order of any such Meeting shall be determined; and all Provisions hereinbefore contained with regard to the Money by this Act before authorized to be raised by Subscription, and to the Shares to be issued in respect thereof, and to the Holders of such Shares, shall apply to the said Shares so to be raised as last aforesaid.

In case Mortgages are paid off, the Company may raise the Amount again.

V. And be it further enacted, That in case the said Company (having borrowed the Sums of Money which by this or the said recited Act they are authorized to borrow, or any Part thereof,) shall pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company immediately, or at any Time or Times thereafter, again to raise, in lieu of any Principal Money so paid off, the whole or any Part or Parts of such Sum or Sums of Money as they shall from Time to Time have paid off, and so from Time to Time as often as the same shall happen.

The Company empowered to purchase Interests in Lands, the Purchase whereof may have been omitted by Mistake.

VI. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of the said recited Act, and for which they shall *bonâ fide* and without Collusion have paid, deposited, or tendered the Purchase Money or Compensation agreed on by and between the said Company and the Party in Possession of the said Lands, or awarded in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase or to pay for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in, or barred, or extinguished for the Benefit of the said Company, by virtue of any of the Provisions in this or the said recited Act contained, then, notwithstanding such Estate, Right, or Interest, and whether the Period limited by the said recited Act for the Purchase of Land shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of this and the said recited Act, in case the said Company shall, with all convenient Speed after Notice of such Estate, Right, or Interest shall have been given them, purchase or pay Compensation or Satisfaction for such Estate, Right, or Interest; and the Purchase Money, Compensation, or Satisfaction so to be paid for the same shall be agreed on, or awarded and paid, and such Estate, Right, or Interest shall be vested in, or barred or extinguished for the Benefit of, the said Company, in like Manner as, according to the Provisions in this and the said recited Act contained, the same respectively would have been agreed on or awarded and paid, and vested, barred, or extinguished, in case the said Company had purchased or paid Compensation or Satisfaction for such Estate, Right, or Interest before their Entry upon such Lands, or as near thereto as Circumstances will admit.

VII. And

VII. And whereas by the said recited Act the said Company are required to make and erect so many Bridges, Arches, Hollows, Culverts, and Passages over, under, or by the Side of or leading to or from the said Railway, as may be necessary for the commodious Use of the Land cut through or divided thereby; and it is expedient that, for the Purpose of avoiding unnecessary Expence, the said Company should in some Cases be empowered to enter into Agreements for and to effect the Purchase of such Lands, in lieu of making such Bridges, Arches, Hollows, Culverts, and Passages for the convenient Use and Occupation thereof; be it therefore enacted, That where any Land has been or shall be cut through or divided, and the Proprietor thereof or other the Person or Persons by this and the said recited Act empowered to contract for the Sale and Conveyance thereof shall be willing to sell to the said Company the Part which has been or shall be left on one Side of the said Railway, it shall be lawful for any such Corporation or Person, by the said recited Act or this Act capacitated to sell or convey Lands, to enter into any Agreement with the said Company for the Sale and Conveyance of the Land so left on one Side of the said Railway; and the said Company are hereby authorized and empowered to treat and agree with any Corporation or Person for the Purchase of such Lands, and for any subsisting Leases, Terms, Estates, or Interests therein, and the said Company shall then be discharged from their Liability under the Provisions of the said recited Act to make any Bridge, Arch, Hollow, Culvert, or Passage, for the Purpose of connecting such Land as aforesaid: Provided always, that the Land to be purchased from any Person or Corporation as aforesaid shall not exceed Ten Acres in any one Place, and that the said Company shall and they are hereby required to sell and convey all such Land as they shall so purchase, or such Part thereof as may not be necessary for the Purposes of the said Undertaking, and in such Way and Manner as is directed by the said recited Act for the Sale of any superfluous Lands not required for the Purposes thereof.

Extending
the Power of
purchasing
Lands.

VIII. And be it further enacted, That all Corporations and Persons by this or the said recited Act capacitated to treat and agree with the said Company for the Sale and Conveyance of Land required for the said Railway may and they are hereby empowered (if they shall be willing, but not otherwise) to treat and agree with the said Company for the Sale and Conveyance of any further Land that may hereafter be required for the Purpose of the said Railway, notwithstanding the Period by the said recited Act limited for the compulsory Purchase of Land may have expired, but subject nevertheless to the Provisions and Restrictions in the said recited Act and this Act contained.

Corpora-
tions, &c.
may sell
further
Lands to the
Company.

IX. And be it further enacted, That if any Proceedings shall at any Time be had or taken against the said Company, or any Person claiming under them, for the Recovery of the Possession of any Land which may have been purchased or taken in pursuance of this or the said recited Act, and for which the said Company shall *bonâ fide* and without Collusion have paid, tendered, or deposited the Purchase Money or Compensation agreed on with the Party in Possession of

Providing
Remedy in
case of Pro-
ceedings for
Recovery of
Land pur-
chased by
the Com-
pany.

[Local.]

E

the

the said Lands, or awarded to be paid for the same, then, within Two Calendar Months after final Judgment shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Writ of Error or Appeal from such Judgment, or the final Taxation of the Costs of such Proceedings, there shall be paid or tendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceedings shall be pending, his Costs, to be taxed as aforesaid, of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall in manner herein-after mentioned find to be the Value of the said Lands at the Time when the same were purchased and conveyed for the Purposes of the said Act, or when Possession thereof was taken as aforesaid by the said Company, together with such a Sum of Money as the said Jury shall at the Time find to be the Value of or an Equivalent for such Mesne Rents and Profits of the said Lands in case the same had not been taken or used for the said Railway, as the Party obtaining such Judgment could have recovered by ordinary Process of Law ; or in case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Lands than the absolute Fee Simple thereof in Possession free from Incumbrances, then the Value of the said Lands, to be ascertained as after mentioned, shall be paid into the Bank of *England* with the Privity of the Accountant General of the Court of Exchequer, or in such other Manner as directed by the said recited Act with respect to Lands purchased from such Parties, and upon Payment or Tender of such Sum or Sums of Money in manner herein-before mentioned the said Lands shall be and remain absolutely vested in the said Company, their Successors and Assigns.

The Jury who shall try such Proceedings shall ascertain the Value to be paid in lieu of the Land.

X. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of this and the said recited Act, or when Possession was taken thereof by the said Company, or in default thereof such Value may be settled and ascertained by a Jury, to be summoned and returned as in manner directed by this and the said recited Act ; and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Lands ; and such Value shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner directed by this and the said recited Act.

As to Contracts and Conveyances by incapacitated Persons.

XI. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, whether capacitated or incapacitated, or to be found or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and
in

in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this or the said recited Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femés Covert, or other Persons, to contract for, sell, release, and convey to the said Company any Lands which may be required to be taken or used for the Purposes of this or the said recited Act, or to agree for the Amount of any Compensation payable under the Provisions of this or the said recited Act; and all Contracts and Agreements heretofore made with and Conveyances executed by any such Parties as are hereby authorized to contract for, sell, and convey Lands as aforesaid shall be valid and effectual for the Purpose of vesting the said Lands in the said Company.

XII. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity, as in this or the said recited Act mentioned, or not having Power to sell except under the Provisions of this or the said recited Act, shall in no Case be less than such Sum as the same shall be estimated at by the Verdict of a Jury, or by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County in which the Lands or any Part thereof shall be situated shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or, if not, then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof; and the Costs, Charges, and Expences of each and every such Valuation shall be paid by the said Company.

Lands bought of any Corporation or Person under any Disability to be valued by Two Surveyors or their Umpire

XIII. And be it further enacted, That in all Cases of Controversy between the said Company and any Person or Persons, where by the said recited Act a Jury is authorized or directed to be summoned, it shall be lawful for the said Company, or for the Person or Persons with whom any such Controversy shall arise, and they are hereby empowered, if they think proper so to do, to require the Sheriff or Under Sheriff of the County in which such Controversy is to be determined to summon the Party with whom such Controversy shall arise, or the said Company, to appear, by himself or themselves, or his or their Attorney, before the said Sheriff or Under Sheriff, at such convenient Place and Time as such Sheriff or Under Sheriff shall appoint, for the Purpose of nominating a Special Jury between the said Parties; which Requisition to the said Sheriff or Under Sheriff shall be served on such Sheriff or Under Sheriff a reasonable Time before the Time appointed for taking the said Inquiry; and such Sheriff or his Under Sheriff shall and he is hereby required to produce or cause to be produced, at the Place and Time so appointed, the Jurors Book, and the Special Jury List, and the Numbers written on

Special Jury.

Parchment

6 G. 4. c. 50. Parchment or Card, as specified and directed in and by the Statute made and passed in the Sixth Year of the Reign of His Majesty, George the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*; and at the Place and Time so appointed the said Sheriff or his Under Sheriff, or some Person duly appointed by them or one of them, shall proceed to nominate or strike a Special Jury in the Manner specified and authorized by the last-mentioned Act to be performed by the proper Officers of Her Majesty's Courts at *Westminster*; and the said Sheriff or Under Sheriff, or some Person duly appointed by them or either of them as aforesaid, shall, at some then future reasonable Time and Place to be appointed, by him in that Behalf, proceed to reduce the said Special Jury in the Manner used and accustomed to be performed by the proper Officers of the Superior Courts as aforesaid, of which last-mentioned Time and Place not less than Twenty-four Hours Notice in Writing shall be given by the Party requiring such Special Jury to be summoned to the said other Party; and the Special Jurymen to be summoned, impannelled, and returned by the said Sheriff or Under Sheriff shall be subject to all such and the same Fines and Penalties for Non-attendance, and to all such and the same Provisions, as Jurymen are by the said recited Railway Act rendered subject to: Provided always, that nothing herein contained shall be construed to prevent the same Special Jury from trying any Number of Inquiries, so as the Parties to such Inquiries respectively, or their Attorneys, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Inquiries, nor shall any Special Jurymen be required to attend more than Once in the same Year for the Trial of any Inquiries under this or the said recited Act: Provided also, that if a sufficient Number of Special Jurymen shall not attend at the Time and Place appointed for holding the Inquiry, the Sheriff, Under Sheriff, Coroner, or other Person presiding thereat shall, on the Request of either of the Parties to such Inquiry, add to the List of such Special Jury the Names of any Bystanders qualified to act as Jurymen for the County in which the Inquiry is held; and all Persons shall have their lawful Challenges against the Jurymen so added; and the said Sheriff, Under Sheriff, Coroner, or other Person shall and may proceed in the said Inquiry with the Jurors so added in like Manner as he might have done if all the Persons summoned to attend as Jurymen on such Inquiry had attended thereat.

Expences of
Counsel to
be allowed
in the Tax-
ation of
Costs.

XIV. And be it further enacted, That in all Cases where the Verdict of a Jury summoned as by the said recited Act directed shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Act or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to Counsel for attending the Inquiry before such Jury by the Party with whom the said Company may be in dispute shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Inquiry in like Manner as the Costs of summoning such Jury
and

and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the taxing Officers of Her Majesty's Courts of Record at *Westminster*.

XV. And be it further enacted, That in all Cases in which any Costs, Charges, and Expences payable, or which under the Act herein-before referred to relating to the said Railway are directed to be paid, by the said Company, shall be taxed by the Master or other proper Officer of the Court of Exchequer under any Order of the said Court, (which Order it shall be lawful for the said Court, on Petition to be presented by the said Company, or on Motion or other summary Application, to make,) the Amount at which such Costs, Charges, and Expences shall be so taxed as aforesaid, together with the Costs and Expences attending the Taxation of the same, and of or occasioned by the Order or Orders referring the same for Taxation, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences, the Subject of any such Order, shall be disallowed or taxed off; and in every Case in which One Sixth Part of the said Costs, Charges, and Expences shall be disallowed or taxed off as aforesaid, all the Costs and Expences of obtaining such Order or Orders of Reference as aforesaid, and of or attending the Taxation of the Costs, Charges, and Expences aforesaid, shall be paid or borne by the Person or Persons from whom the Lands in respect or in relation to which the Costs and Expences in any such Order of Reference mentioned shall have been incurred shall have been purchased or taken, and the Amount thereof shall be paid to the said Company, on Demand, accordingly, or, if Circumstances will admit, may be retained by the said Company out of any Monies payable by them to or on account or on behalf of such Person or Persons as aforesaid.

Providing for the Taxation of Costs payable by the Company.

XVI. And be it further enacted, That the Charges by the said recited Act authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile*, or *per Ton per Mile*, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line; and no Charge, or Reduction or Advance in any Charge, for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Rates of Carriage to be charged equally.

XVII. And be it further enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in Abstract to be prepared, showing the Total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Act for the Year ending on the Thirty-first Day of *August*, or some other convenient Day in each Year, under the several

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

[*Local.*]

F

distinct

distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Bye Laws
to be con-
firmed.

XVIII. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said recited Act (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall be valid or binding for a longer Period than Six Months from the passing of this Act; nor shall any Bye Law, except as aforesaid, which may hereafter be made by the said Company, be valid or binding unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Chester*; which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

Authorizing
the Company
to open
Booking
Offices.

XIX. And be it further enacted, That so much of the said recited Act as enacts that it shall not be lawful for the said Company to open or use any Booking Offices for Passengers and Goods to be carried upon the said Railway thereby authorized to be made at any other Place than the Station near to *Grange Lane* numbered 34. on the Plan therein referred to, and also in the Town of *Liverpool* respectively, shall be so far altered and repealed as to allow of the said Company opening also any Booking Offices they may think fit at *Chester*, or between the said City and the aforesaid Station, which they are hereby authorized to do.

Gates to be
kept shut,
except when
passing
through.

XX. And be it further enacted, That all Occupiers of Lands, for the Occupation whereof (either alone or together with other Lands) any Gate or Gates shall have been or shall be erected or put up by the Side of the said *Chester* and *Birkenhead* Railway, shall keep such Gates constantly shut and fastened, except only during such Time as must necessarily be from Time to Time occupied in passing through the same for the Occupation of the said Lands; and every Occupier neglecting so to do shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

XXI. And

XXI. And be it further enacted, That if any Person who has personally or by some other Party at any Time taken a Place or Seat, or paid the Fare, or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or any other Company or Person using the said *Chester and Birkenhead* Railway, from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare, or been booked, or taken his Place or Seat, or shall knowingly and wilfully ride and proceed, or attempt to ride or proceed, in the same or in any other Coach or Carriage, to a Place more distant than that to which he shall have so taken a Place or Seat, or paid the Fare, or been booked, without previously paying or tendering to the said Company, or other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid or tendered to the said Company, or other Company or Person aforesaid, his Fare or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Act.

For prevent-
ing Frauds
on the
Carriers on
the Railway.

XXII. And whereas it is by the said recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of the said Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Twenty Days previous Notice in Writing shall be given, by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, or unless such Action, Suit, or Information shall be laid or brought in the County, City, or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give the said Act and the special Matter in Evidence upon any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of the said Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as therein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become non-suited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff

Repealing
Clause as to
Limitation of
Actions.

Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases: And whereas it is expedient that the said Provisions, so far as the same confer any special Privilege or Advantage on the said Company which without such Provisions they would not enjoy, should be repealed; be it therefore enacted, That the same Provisions shall be and the same are hereby declared to be repealed.

Time enlarged for making the Railway.

XXIII. And be it further enacted, That the Time limited by the said recited Act for the Completion of the said Undertaking shall be extended and enlarged for the Term of Two Years, to be computed from the Expiration of the Time in such Act mentioned; and all the Powers, Privileges, and Authorities given by this or the said recited Act with respect to the making and Completion of the said Railway, except the Power of taking Lands by Compulsion, shall be extended for such further Period of Two Years.

This and the recited Act to be subject to the Provisions of any general Act.

XXIV. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Expences of Act to be paid by the Company.

XXV. And be it further enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, and of carrying the same into effect, or otherwise incidental thereto, shall and may be defrayed and paid by the said Company out of the Money received or to be received by them under the Authority of this and the said recited Act.

Public Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.