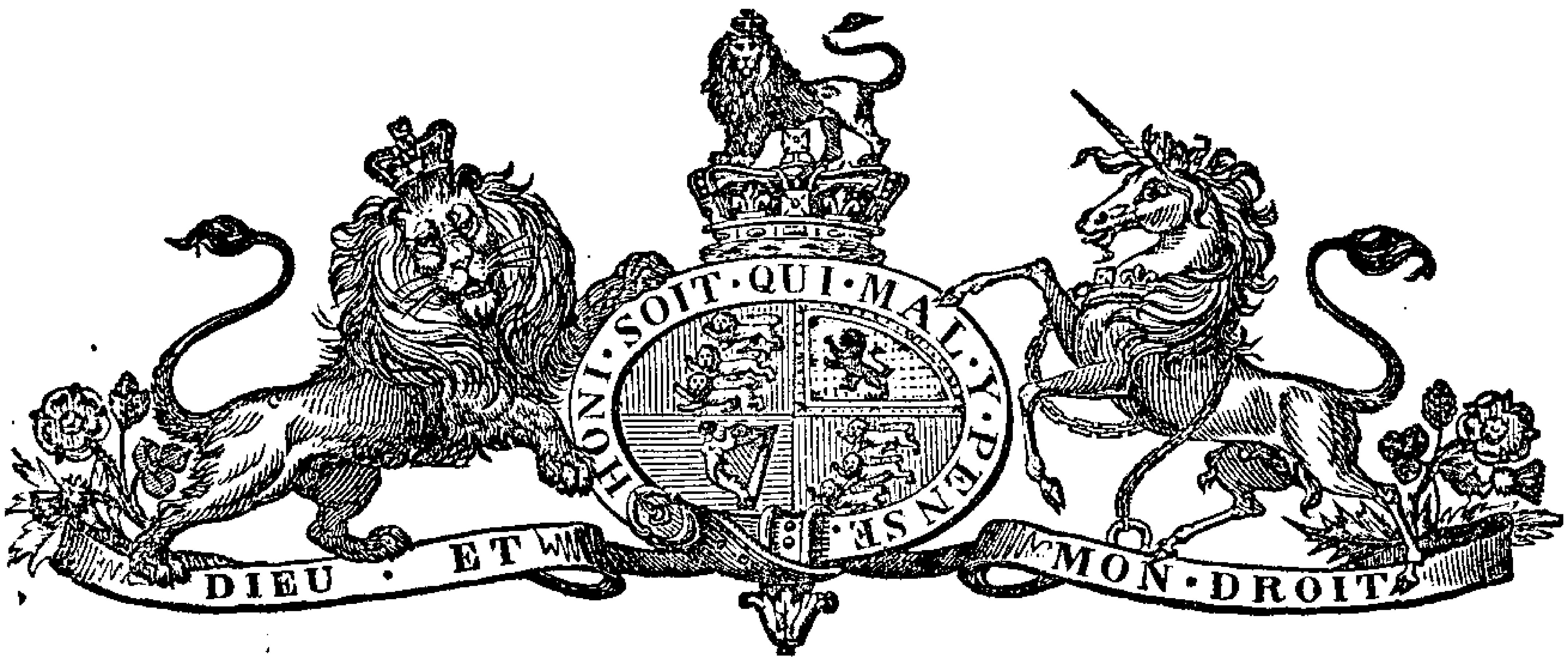


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clxxvii.

An Act to amend the Acts relating to the *Birkenhead* Dock Company, and to enable the Company to make a Railway for their Works, and for other Purposes, and of which the Short Title is, "The *Birkenhead* Dock Company's Act, 1853."

[14th *August* 1853.]

WHEREAS by the Act of the Eighth and Ninth Years of Her present Majesty, intituled *An Act for constructing Docks, Walls, Warehouses, and other Works in* Birkenhead, "The *Birkenhead* Dock Company" (in this Act called "the Company") were incorporated, with a Capital of One million Pounds in Ten thousand Shares of One hundred Pounds each, and with Power to borrow not exceeding Three hundred and thirty thousand Pounds; and were empowered to make and maintain Docks and other Works at *Birkenhead*, and Warehouses and Works for the Security and Accommodation of Goods shipped or unshipped at the Docks and other Works, and to demand for the Use of Warehouses, Wharfs, Cranes, and Weighing Machines such reasonable Rates as the Company should from Time to Time appoint: And whereas another Act was passed in the Eleventh Year of Her present Majesty, intituled *An Act to enable the* Birkenhead *Dock Company to sell or lease their Land:* And

8 & 9 Vict. c. lx.

11 & 12 Vict. c. ix.

whereas

whereas the Company have proceeded to put the recited Acts into execution: And whereas it is expedient that further Provision be made with respect to entering and warehousing Goods imported into and exported from the Wharfs and Works of the Company, and that the Company be enabled to erect Transit Sheds for the Reception of Goods, and that those Acts be in other respects amended: And whereas it is expedient that the Company be empowered to construct a short Line of Railway to connect their Land and Works with the *Birkenhead, Lancashire, and Cheshire Junction* Railway; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Section 2. of first-recited Act repealed.

I. That the Second Clause of the first-recited Act is by this Act repealed.

Short Titles.

II. That the recited Acts and this Act respectively may be cited for any Purpose as follows; (to wit,) the first-recited Act as "The *Birkenhead* Dock Company's Act, 1845;" the secondly-recited Act as "The *Birkenhead* Dock Company's Act, 1848;" and this Act as "The *Birkenhead* Dock Company's Act, 1853."

Certain Provisions of 8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

III. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," (except Clauses XCIV. and XCV. of that Act,) so far as those Clauses relate to Milestones, Posts, or other Objects for denoting Distances, are respectively incorporated with this Act: Provided always, that nothing in the said "Lands Clauses Consolidation Act, 1845," nor in this Act contained, shall be held or construed to authorize the Company to purchase the Reversion of or in any Lands belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, and which are now in the Possession or Occupation of the Company, their Undertenants or Assigns, by virtue of a Lease for Seventy-five Years from the Thirty-first Day of *October* One thousand eight hundred and forty-eight, granted to the Company by the said Mayor, Aldermen, and Burgesses, or any Estate or Interest of the said Mayor, Aldermen, and Burgesses in such Lands or any Part thereof, without the Consent in Writing of the said Mayor, Aldermen, and Burgesses, under their Common Seal, first had and obtained.

Interpretation of Terms.

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

The

The Word "Vessel" includes Ship, Boat, Lighter, and Craft of every Kind, and whether navigated by Steam or otherwise:

The Word "Goods" includes Wares and Merchandise of every Description:

The Word "Owner," when used in relation to Goods, includes any Consignor, Consignee, Shipper, or Agent, for Sale or Custody of such Goods, as well as the Owner thereof:

The Word "Owner," when used in relation to Vessels or Cargoes of Vessels, includes the Master, Consignee, and Charterer thereof:

The Expression "the Docks" means all the Wharfs, Buildings, and Works constructed or to be constructed by the Company under the first-recited Act or this Act (other than the Railways and the Works belonging thereto):

The Expression "Customs Commissioners" means the Commissioners of Her Majesty's Customs.

Power to enter Goods if not entered within 48 Hours by the Owner or Consignee thereof.

V. That whenever the Despatch of Business at the Docks is obstructed by reason of a Warehouse Entry of all or any Part of the Inward Cargo of any Vessel lying at the Docks not being made by the Owner thereof, and the Customs Order for the Delivery thereof not being lodged with the proper Officer of the Customs, at the Docks, within Forty-eight Hours after the Time at which the Vessel is reported at the Custom House at *Liverpool*, the Company may cause a proper Warehouse Entry thereof to be made, and may forthwith land or warehouse, or (as the Case may be) both land and warehouse, such Goods in the Presence of the proper Customs Officers, who shall take a proper Account thereof; and the Company may detain such Goods as Security for the Payment of the Customs Duties thereon, and the Company's Rates, warehousing Rents, and other Charges thereon; and also, if Notice be given to them to detain the same for Freight, for Payment of the Freight payable thereon: Provided always, that any such Goods may be so warehoused by being deposited in any proper Warehouse or Yard at the Docks, secured to the Satisfaction of the proper Customs Officers.

Form of Warehouse Entries.

VI. That all Warehouse Entries of Goods made under this Act shall be made according to the Marks, Numbers, Packages, Qualities, Quantities, or Contents thereof, as described in the Report thereof at the Custom House at *Liverpool*.

Commissioners of Customs may sell the Goods, &c. to satisfy the Duties.

VII. That if any Goods landed or warehoused under this Act be not duly exported, or the Customs Duties thereon be not paid within Six Months, or if of a perishable Nature within Fourteen Days, next after the Report thereof at the Custom House at *Liverpool*, the Customs Commissioners may sell such Goods or any Part thereof to answer the Customs Duties thereon, and apply the net Monies arising

by

by such Sale in Payment, first, of the Customs Duties on such Goods; secondly, of the Costs and Charges of entering, landing, and warehousing the same; thirdly, of the Freight thereon; and, fourthly, of the Company's Rates, warehousing Rents, and other Charges thereon, rendering the Overplus (if any) of such Monies on Demand to the Owner of the Goods: Provided always, that if a Price cannot be obtained for such Goods equal to the full Amount of the Charges of the Sale thereof, and such Customs Duties, Costs, Charges, Freight, Rates, warehousing Rents, and other Charges thereon, then such Goods shall be effectually destroyed, or otherwise be sold or disposed of in such Manner and for such Purposes, and under such Rules, Regulations, and Restrictions, as the Customs Commissioners shall from Time to Time direct.

Goods not liable to Seizure by unintentional Inaccuracy in Entry.

VIII. Provided always, That any Goods entered by the Company under this Act shall not be liable to Seizure or Forfeiture by reason of any unintentional Inaccuracy in the Entry thereof.

Goods warehoused to continue liable to Liens for Freight.

IX. That all Goods from Time to Time landed or warehoused by the Company or any Person at the Docks shall continue liable to all such and the same Claims or Liens for Freight as such Goods were liable to before the warehousing thereof.

Detainer for Freight, &c.

X. That the Company, upon Notice in Writing by any Person interested to detain any such Goods for Freight, shall detain and keep such Goods in the Warehouses or Docks of the Company until the Claim or Lien thereon for Freight, and all the Company's Rates, warehousing Rents, and other Charges thereon, be duly paid or satisfied, or until such Rates, warehousing Rents, and Charges be duly paid, and the Amount claimed for Freight be deposited with the Company.

Deposits for Freight.

XI. That whenever any Sum is so deposited with the Company for Freight, they shall receive it, and shall hold it as Security until the Amount due for such Freight be duly paid or satisfied; and upon Proof thereof, and Payment of the Company's Rates, warehousing Rents, and other Charges, if any then due, upon the Goods detained for such Freight being respectively made to the Company, and all other Charges in respect thereof, they shall return the Deposit on Demand to the Person by whom it was made, his Executors, Administrators, or Assigns.

Application of Deposits for Freight.

XII. That every such Deposit for Freight shall be considered to be made in Payment of the Freight claimed; and on the Expiration of Fifteen Days next after the Deposit is made, unless Notice in Writing to retain the Deposit be in the meantime given to the Company by the Person who made the Deposit, the Company shall pay to the Person

Person claiming the Freight the Amount deposited, and such Payment shall release the Company from all Claims and Demands whatsoever in respect of the Money so paid by them.

Notice to retain Deposits for Freight.

XIII. Provided always, That any such Notice to retain a Deposit for Freight shall not have effect for longer than Thirty Days after the Service thereof on the Company, unless in the meantime some Proceeding at Law or in Equity for determining the Title or Liability to the Freight or the Right to the Deposit be actually commenced, and Notice in Writing thereof be served on the Company.

Power of Sale if Deposit be not made.

XIV. That if, when any such warehoused Goods are detained by the Company for Freight, such Deposit be not made within Ninety Days next after the Goods are warehoused, and Notice of the Nonpayment of the Freight thereon be given to the Company, then the Company may sell all or any Part of such Goods, and apply the Proceeds of such Sale in Payment, first, of the Customs Duties (if any) thereon; secondly, of the Company's Rates, warehousing Rents, and other Charges thereon, including the Expenses of the Sale; and, thirdly, of the Freight thereon, rendering the Overplus (if any) on Demand to the Person entitled thereto.

The Power of Sale not to be exercised till after Notice.

XV. Provided also, That the Company shall not sell all or any Part of such Goods until Ten Days previous Notice in Writing of the Claim for Freight thereon, and of the Intention to sell the same for Satisfaction of the Freight, be given to the Owner thereof, if his Name and Residence or Place of Business appear on the Manifest of the Cargo, or be entered in the Books at the Warehouse in which the Goods are deposited, by sending such Notice in a registered Letter by Post to his Residence or Place of Business, or, if his Name or Place of Business or Residence do not so appear, then until such Notice be given by Advertisement once in some One *London* Newspaper, and in Two *Liverpool* Newspapers; provided also, that the Company shall not sell a greater Portion of such Goods than is in their Judgment sufficient to cover the Amount of such Duties, Rates, warehousing Rents, Charges, and Expenses and Freight.

Power to build Transit Sheds.

XVI. That the Company may, with the Consent of the Commissioners of Customs, appropriate or use as Transit Sheds any Sheds which at the Time of the passing of this Act shall or may have been erected on any legal Quays belonging to them, and may build on any legal Quays belonging to them such other Transit Sheds for the Reception of Goods, on such Plan and with such Protections as appear to the Commissioners of Customs best calculated to combine Security to the Revenue with the greatest possible Despatch to Business, and to be consistent as far as practicable with the general Business of the Company;

Company; and shall and may provide suitable Weighing Conveniences, and Huts or Offices proper for the Revenue Officers, and shall keep such Transit Sheds, Weighing Conveniences, Huts or Offices in good Condition; and the Company may from Time to Time demand and take such reasonable Charges for the Use of such Transit Sheds and Weighing Conveniences as they think fit.

By whom Goods may be deposited in Transit Sheds.

XVII. That when any such Transit Shed is opened for the Reception of Goods, the Owner of any Vessel lying at the Quay next to which any such Transit Shed is built, or the Owner of all or any Part of the Inward Cargo of such Vessel, may, without previously making any Entry thereof or obtaining any Customs Order for the Delivery thereof, but with the Permission and in the Presence of the proper Officer of Customs, land such Goods and deposit the same in such Transit Shed, there to be weighed or measured and passed by the proper Customs Officers; and the Goods so landed and deposited shall for all Purposes whatever be considered as still on board such Vessel, and shall be removable from such Transit Shed only in the Manner and by the Process, and with, under, and subject to the Rules, Regulations, Restrictions, and Provisions as if the same were actually on board such Vessel, and such Goods shall be subject to all Liens and Charges which attached thereto on board such Vessel.

Goods, &c. may remain in Transit Sheds One Day after passing Landing Waiter free of Charge.

XVIII. That all Goods so deposited in any such Transit Shed shall be permitted to remain in such Transit Shed free of Charge for the Use thereof for One Day (exclusive of *Sunday*, *Christmas Day*, and *Good Friday*, and all Holidays observed by the Customs Officers) after the same pass the Landing Waiter; but if any such Goods remain therein more than such One Day, the Owner thereof shall pay to the Company for every subsequent Day, or Part of a Day, (exclusive of *Sunday*, *Christmas Day*, and *Good Friday*, and all Holidays observed by the Customs Officers,) during which the Goods or any of them so remain such Sum as the Company think fit; and such Goods shall not (unless with the Consent of the Company) be removed from the Transit Sheds until all the Company's Charges thereon be paid.

Company may warehouse Goods if left in Transit Sheds Seven Days after passing Landing Waiter.

XIX. That if the Owner of any Goods deposited in any such Transit Sheds permit the same to remain therein, if intended for Home Use Seven Days, and if intended for Exportation One Month, after the same pass the Landing Waiter, the Company may warehouse such Goods in their Warehouses or Yards, and may retain the same as Security for the Payment of Customs Duties, Rates, warehousing Rents, and other Charges and Freights; and the several other Provisions of this Act with respect to warehousing of Goods and

and Goods warehoused, and incident thereto, extend and apply to the warehousing of the Goods so permitted to remain in the Transit Sheds, and such Goods, and the Company, and all other Parties interested therein.

Goods received into Transit Sheds not to be removed until Rates due are paid.

XX. That all Rates, Rents, and Charges payable to the Company in respect of any Goods received into any such Transit Shed shall, if the Company so require, be paid before the Goods are removed from such Transit Shed, and the Company's Charges with respect to such Goods shall accrue notwithstanding the Exercise of any Right of Lien by the Company.

Transit Sheds when not required as such may be available for ordinary Purposes.

XXI. That when any such Transit Shed shall not be required for the Reception or Retention of Goods landed without Entry, under the Powers of this Act, the same may be available from Time to Time for the ordinary Business and Purposes of the Company.

Power to make Railway according to deposited Plans.

XXII. That inasmuch as Plans and Sections of the intended Railway and Works showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through and in which the same are intended to pass and be made, have been deposited with the Clerk of the Peace for the County of *Chester*; therefore, subject to the Provisions of this Act, the Company may make and maintain in the Lines in and upon the Lands and within the Limits of Deviation delineated on those Plans and described in those Books of Reference, and according to the Levels defined in those Sections, such of those Works as are by this Act authorized, and may enter upon, take, and use such of those Lands as they think necessary for the Purpose.

Works authorized.

XXIII. That the Works by this Act authorized comprise the following; (to wit,) a Railway to commence in and upon a Piece of Land belonging to the Company, or of which they are Lessees in possession, in the Extra-parochial Place, Chapelry, or Township of *Birkenhead* (in this Act referred to as *Birkenhead* Chapelry), in the County Palatine of *Chester*, near the Junction of Two public Roads, or intended public Roads, already laid out and called *Beaufort Road* and *Ilchester Road*, and to terminate in *Birkenhead* Chapelry by a Junction with the *Birkenhead, Lancashire, and Cheshire Junction* Railway in or near the Goods Station of that Railway near *Cathcart Street*.

Limiting Time for compulsory Purchase of Land.

XXIV. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

XXV. That

Period for Completion of Railway.

XXV. That the Railway shall be completed within Two Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

After Time limited no Dividend to be paid on ordinary Capital until Completion of Works.

XXVI. That if on the Expiration of the Period by this Act limited for the Completion of the Railway the same shall not be completed and opened for public Traffic, no Dividend or Interest shall be paid on any Stock or Shares in the Capital of the Company (other than and except Stock and Shares on which any Interest or Dividend may have been guaranteed, or to which any Preference or Priority in Payment of Interest or Dividend or other Privileges may have been attached, and also other than and except Interest on Money advanced by Shareholders in anticipation of Calls,) from the Expiration of that Period until the Railway shall be completed and opened for public Traffic.

Level Crossings on Railway.

XXVII. That, subject to the Provisions of this Act, the Company may, in the Construction of the Railway, carry the same on the Level across Six several Roads, all in *Birkenhead* Chapelry, and which in the deposited Plans are respectively distinguished by the Numbers 1, and 3, and 7, and 9, and 11, and 17.

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

XXVIII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or a Lodge at every Point where the Railway crosses those Roads respectively on the Level, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of those Roads on the Level, and with respect to the Speed at which Trains shall cross those Roads, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Lodge or Station, or to observe or abide by any such Rule or Regulation, 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 continues after such Penalty of Twenty Pounds is incurred.

Board of Trade may require Bridges instead of level Crossings.

XXIX. That the Board of Trade may, if it appear to them necessary for the public Safety, at any Time before or after the Railway is completed and opened for public Traffic, require the Company, within such Time as the Board of Trade direct, and at the Expense of the Company, to carry those Roads or any of them either under or over the Railway, by means of a Bridge or Arch, in lieu of crossing the same

For all Sugar, Grain, Corn, Flour, Hides, Earthenware, Metals (except Iron), and Nails, *per* Ton not exceeding Sixpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exeeeding Twopence Farthing:

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

And for every Carriage, of whatever Description, not being adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, not exceeding One Shilling and Sixpence; and a Sum of Sixpence 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 not exceeding Sixpence:

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, not exceeding Sixpence:

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, not exceeding Ninepence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, not exceeding Threepence.

Tolls for propelling Power.

XXXVI. That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Threepence 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.

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

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

XXXVIII. And

Tolls for small Parcels and Articles of great Weight.

XXXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

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

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

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

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

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

And for any Parcel exceeding Fifty-six Pounds, and not exceeding Five hundred 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 Two Shillings *per* Ton:

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.

Passengers Luggage.

XXXIX. 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.

Maximum Rate of Charge for Passengers.

XL. 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:

For

For every Passenger conveyed in a First-class Carriage, the Sum of Sixpence:

For every Passenger conveyed in a Second-class Carriage, the Sum of Fourpence Halfpenny:

For every Passenger conveyed in a Third-class Carriage, the Sum of Threepence.

For Animals and Goods.

XLI. 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 Waggons 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 Tenpence:

For every Calf, Pig, Sheep, Lamb, or other small Animal, the Sum of Threepence:

For Carriages, the Sum of One Shilling and Ninepence:

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, all Dyewoods, Timber, Staves, and Deals, Anvils, Vices, and Chains, all Coals, Culm, Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, 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, Fourpence Halfpenny *per* Ton:

For all Sugar, Grain, Corn, Flour, Hides, Earthenware, Metals (except Iron), and Nails, Sevenpence Halfpenny *per* Ton:

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

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 Two Shillings.

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

XLII. That, notwithstanding anything in this Act contained, the Company may, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, take and receive, and in such Case demand 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 Extra Trains.

XLIII. That, notwithstanding anything in this Act contained, the Company may demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for extra Trains by or on the Railway or any Part thereof, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals.

Application of existing Funds.

XLIV. That the Company may apply to the Purposes by this Act authorized such Part of the Monies by the recited Acts authorized to be raised as from Time to Time is not required for the Purposes of the recited Acts.

As to Junction with Birkenhead, Lancashire, and Cheshire Junction Railway.

XLV. That the Junction between the Railway and the *Birkenhead, Lancashire, and Cheshire Junction* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the most approved Construction, and laid in the most approved Manner, to the reasonable Satisfaction of the principal Engineer for the Time being of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

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

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

Railway to be subject to the 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., cc. 57. 105., and 14 & 15 Vict. c. 64.

XLVII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or any succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the same Reign, intituled *An*

An Act to repeal the Act for constituting Commissioners of Railways: Therefore this Act, or anything therein contained, shall not exempt the Railway or the Company from the Provisions of those Acts respectively, but such Provisions shall be in force with respect to the Railway and the Company so far as the same are applicable thereto.

Railway not exempt from Provisions of future General Acts.

XLVIII. That this Act or the said recited Acts, or either of them, or anything therein contained, shall not exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and 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, or of the Tolls for small Parcels, authorized by the recited Acts or this Act.

Docks, &c. not exempt from Provisions of future General Acts.

XLIX. That nothing in this Act contained shall be deemed or construed to exempt the Docks and Works by this Act or the firstly herein-before recited Act authorized to be made or maintained from the Provisions of any General Act which may hereafter be passed relating to Docks.

Expenses of Act.

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

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