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cashire, and Cheshire Junction Railway Company have introduced or intend to introduce into Parliament in the present Session a Bill for enabling them to make a Deviation in the *Chester* Branch of their Railway, and for other Purposes: And whereas it is considered that the *Chester and Birkenhead* Railway might be worked with greater Economy, and Advantage and Convenience to the Public, if the same were managed in conjunction with the *Birkenhead, Lancashire, and Cheshire Junction* Railway; and it is expedient that Arrangements should be made for vesting, upon certain Conditions, the Undertakings of the *Chester and Birkenhead* Railway Company, with the Works and Conveniences thereof, and all the Property and Effects of the same Company, in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and that the *Chester and Birkenhead* Railway Company should be incorporated with the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, upon the Terms and Conditions herein-after expressed: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, extended, and enlarged: 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, That from and after the passing of this Act, and upon the Execution of a Deed of Conveyance duly stamped, the several Undertakings of the *Chester and Birkenhead* Railway Company, as well those which shall then have been commenced or completed as those which shall not have been commenced or completed, and all the Lands, Monies, Goods, and Chattels, and other the Real and Personal Estate and Effects of the *Chester and Birkenhead* Railway Company, and all the Estate, Right, Title, and Interest of the same Company in their said Undertakings, and all the Rights, Privileges, Powers, and Authorities affecting or appurtenant to the same respectively by the recited Acts relating to the *Chester and Birkenhead* Railway Company, or by any other Act or Acts heretofore passed vested in the said Company, shall (subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances of the said Company,) be and be held to be and the same are hereby vested in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and may be lawfully executed, completed, held, used, and exercised by and in the Name of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, in the same Manner and to the same Extent as the *Chester and Birkenhead* Railway Company could have executed, completed, held, used, exercised, and enjoyed the same if this Act had not been passed, save only so far as the Execution, Completion, Use, Exercise, or Enjoyment of such Undertakings, Rights, Powers, Authorities, and Privileges may be inconsistent with the Provisions and Purposes of this Act or any of them.

Chester and Birkenhead Railway vested in Birkenhead, Lancashire, and Cheshire Junction Railway Company.

Powers of the Chester and Birkenhead Railway Company ex-

II. And be it enacted, That from and after the passing of this Act, and upon the Execution of the Deed of Conveyance aforesaid, all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in the recited Acts relating

relating to the *Chester and Birkenhead* Railway Company, or in any other Act or Acts relating thereto heretofore passed, shall, with reference to such Works, Matters, and Things as have been or might have been made or done thereunder by the *Chester and Birkenhead* Railway Company in relation to their said Undertaking, or otherwise, if this Act had not been passed, and save only so far as the same or any of them are inconsistent with the Provisions and Purposes of or are by this Act expressly repealed or altered, and subject to the Provisions herein-after contained, be executed, done, performed, and observed by and be applied and applicable to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, their Directors, Officers, Agents, and Servants, in every respect and as fully and effectually to all Intents and Purposes as if the Name of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company had in every Case been written or inserted in the Acts relating to the *Chester and Birkenhead* Railway Company, instead of the Name of the *Chester and Birkenhead* Railway Company.

tended to the Birkenhead, Lancashire, and Cheshire Junction Railway Company.

III. And be it enacted, That (subject to the Provisions in this Act contained) from and after the passing of this Act all Debts then due from or to the *Chester and Birkenhead* Railway Company shall be payable and paid, together with all Interest (if any) due or to accrue due thereon, by or to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company; and all Rates, Tolls, Duties, and Monies which shall be or become, or which if this Act had not been passed would be or become, due and payable under and by virtue of any Act or Acts relating to the *Chester and Birkenhead* Railway Company, or otherwise from or to the same Company, shall be due and payable from or to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and shall and may be recovered from and by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, by the same Ways and Means, with the same Restrictions and Regulations, and with the same Penalties in regard thereto respectively, as the same would or might have been due and payable to or from or recoverable from or by the said *Chester and Birkenhead* Railway Company in case this Act had not been passed.

Debts, &c. of the Chester and Birkenhead Railway transferred to the Birkenhead, Lancashire, and Cheshire Junction Railway.

IV. And be it enacted, That all Conveyances, Contracts, Agreements, Obligations, Mortgages, Liabilities, Bonds, Covenants, and Securities which shall have been made or entered into before the passing of this Act with, by, or for the *Chester and Birkenhead* Railway Company shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for or against or with reference to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, to all Intents and Purposes, as if the last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein instead of the *Chester and Birkenhead* Railway Company.

Effect of Conveyances, &c., of or to the Chester and Birkenhead Railway Company.

V. And be it enacted, That all Injuries, Misfeasances, Nonfeasances, and other Rights of Action which before the passing of this Act shall have been done or committed or omitted to be done or accrued

Rights of Action by or against the Chester and Birkenhead

Railway Company to be valid, &c.

accrued by, for, or against the *Chester and Birkenhead* Railway Company shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for or against the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, to all Intents and Purposes, as if the same had been done or committed or omitted to be done, or had accrued by, to, for, or against the last-mentioned Company.

Acts of the Chester and Birkenhead Railway Company binding on the Birkenhead, Lancashire, and Cheshire Junction Railway Company.

VI. And be it enacted, That every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, Act, Matter, or Thing whatsoever which before the passing of this Act shall have been made, done, executed, granted, incurred, obtained, omitted, transacted, commenced, or instituted by, for, or on behalf of, against, or in respect of the *Chester and Birkenhead* Railway Company shall (subject to the Provisions in this Act contained) be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatever, to, for, or against the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company as they respectively were immediately before the Period aforesaid with reference to the *Chester and Birkenhead* Railway Company, and shall and may (subject as aforesaid) be executed, done, performed, continued, completed, and terminated by, for, or against or with reference to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, under and subject to the Provisions and Regulations of the Act or Acts relating to the *Chester and Birkenhead* Railway Company, as fully and effectually as the same could or might have been done by and in the Name of the last-mentioned Company if this Act had not been passed.

Works to be completed.

VII. Provided always, and be it enacted, That all Works which under the Provisions of any Act or Acts relating to the *Chester and Birkenhead* Railway Company, or to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, the same Companies respectively, or either of them, are authorized or required to execute or complete, and which shall not have been executed or completed before the passing of this Act, shall where the same are required, and may where the same are authorized, be executed or completed (as the Case may be) by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and the same Company shall have full Power to pay for the same out of the Monies placed at their Disposal by this Act, or otherwise, and shall have and be entitled to all such Powers for executing and completing such Works as the said Companies respectively were entitled to under the said Acts, or any of them, and as fully as if the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company had been originally authorized and required to execute and complete the same Works instead of the Company actually anthorized and required to execute and complete the same: Provided nevertheless, that where any particular Time is by the same Acts, or any of them, limited for the Execution or Completion of such Works, the same shall and may be so executed and completed within the Period so limited.

VIII. Pro-

Contracts to be completed.

VIII. Provided also, and be it enacted, That in all Cases in which either of the said Companies, previously to the passing of this Act, shall under the Powers or Provisions of any of the Acts aforesaid have entered into any Contracts for the Purchase of, or shall have taken or used any Land which before the Period aforesaid shall not have been effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, or shall have entered into any other Contract or Agreement, then and in every such Case such Contracts or Agreements, where the same are now in force, shall be completed, and such Lands shall be conveyed to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or as such Company shall direct; and such Purchase Money, or other Money so agreed to be paid, shall be paid out of any Money placed at the Disposal of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company by this Act or otherwise; and all Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to the Completion of such Contracts, and the Purchase and Conveyance of such Land, and the Payment and Application of such Purchase Money in respect thereof, and in relation to other Matters of Agreement, shall for the Purposes of this Act remain in full force, and shall be construed and taken as if the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company were named in such Act or Acts and Contracts or Agreements respectively, instead of the Company which shall have entered into such Contracts, or taken or used such Land, or otherwise have been affected by such Agreements.

Application of certain Monies payable under recited Acts.

IX. Provided also, and be it enacted, That in all Cases in which under the Provisions of any of the Acts relating to the *Chester and Birkenhead* Railway Company, or to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, any Sum of Money shall before the passing of this Act have been paid by either of the said Companies, or shall thereafter be paid by them or either of them, 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 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 under which the same has been or shall be so paid into the Bank of *England*, or to such Trustee or Trustees, as aforesaid; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts, in relation to such Monies, Stocks, Funds, and Securities, and the 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 *Birkenhead, Lancashire, and Cheshire Junction* Railway Company were named in such Act or Acts instead of the Company to which such Act or Acts relate.

Debt of the Chester and Birkenhead Railway Company

X. And be it enacted, That from and after the passing of this Act the Debt of the *Chester and Birkenhead* Railway Company then due on Mortgage, or Bond, or otherwise, shall be deemed and is hereby

to be the Debt of the Birkenhead, Lancashire, and Cheshire Junction Railway Company.

hereby declared to be Part of the Debt of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and subject to all the Provisions respecting Debts contained in the Acts relating to that Company: Provided always, that nothing herein contained shall give to the Holder of any such Mortgage, Bond, or other Security any Priority or Security which he would not have been entitled to if this Act had not been passed, nor diminish such Rights as such Holder may possess at the Time of the passing of this Act.

Tolls to be taken.

XI. And be it enacted, That it shall be lawful for the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to demand and receive in respect of the Use of the said *Chester and Birkenhead* Railway any Tolls not exceeding the Tolls which they are at present authorized to take upon the said *Birkenhead, Lancashire, and Cheshire Junction* Railway.

Power to create Shares.

XII. And be it enacted, That the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall, as soon as practicable after the passing of this Act, create such a Number of Shares or such an Amount of Stock in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company as will admit of Shares or Stock in the said Company being allotted to the Holders of Shares in the *Chester and Birkenhead* Railway Company in lieu of the Shares held by them in the Capital of the said Company, according to the Scale and in the Proportions next herein-after mentioned.

Shares in the Birkenhead, Lancashire, and Cheshire Junction Railway to be allotted to Holders of Shares in the Chester and Birkenhead Railway.

XIII. And be it enacted, That every Person or Corporation who at the Time of the passing of this Act was a Proprietor of One or more Share or Shares in the Capital of the *Chester and Birkenhead* Railway Company of the nominal Value of Fifty Pounds each, shall be entitled for and in respect of each such Share to Two Shares in the Capital of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company of the nominal Value of Twenty-seven Pounds Ten Shillings each, without being required to pay any Sum or Sums of Money in respect thereof; and every Person or Corporation who at the Time of the passing of this Act was a Proprietor of One or more Share or Shares in the Capital of the said *Chester and Birkenhead* Railway Company of the nominal Value of Twenty-five Pounds each shall be entitled to the like Number of Shares in the Capital of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company of the nominal Value of Twenty-seven Pounds Ten Shillings each, without being required to pay any Sum or Sums of Money in respect thereof; and every Person or Corporation who at the Time of the passing of this Act was a Proprietor of One or more Share or Shares in the Capital of the said *Chester and Birkenhead* Railway Company of the nominal Value of Twenty Pounds each shall be entitled to the like Number of Shares in the Capital of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company of the nominal Value of Twenty-two Pounds each; and every such Share in the Capital of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company is hereby vested in such Person and Corporation accordingly, but so, nevertheless, that Deduction may be made from the Dividends payable in respect of any Share in the Capital of the said *Birkenhead, Lancashire,*

Lancashire, and Cheshire Junction Railway Company of Interest at the Rate for the Time being payable as herein-after mentioned on any Monies which at the Time of the passing of this Act shall remain uncalled in respect of the Share for which such Share in the Capital of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall have been substituted under this Act, or so much of such Monies as shall for the Time being remain uncalled, or having been called shall remain unpaid.

Power to enforce Calls.

XIV. And be it enacted, That as to the said Shares of Twenty-seven Pounds Ten Shillings each, they are declared to be fully paid up and satisfied, except for so much Money as may have been called for by the *Chester and Birkenhead* Railway Company, and not paid up on the Shares of Fifty Pounds each, or Twenty-five Pounds each, exchanged for the same, and as to any of the Shares of Twenty-two Pounds each in the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company which are given in lieu of Shares in the said *Chester and Birkenhead* Railway Company upon which at the Time of the passing of this Act Calls shall have been made and not paid up, or upon which the full Amount *per* Share shall not have been called up, it shall be lawful for the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to call for and to enforce the Payment of the Monies due upon such Shares, in the same Manner as if such Monies had been subscribed towards the Undertaking of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and the Directors shall have such and the same Rights and Remedies for obtaining and enforcing the Payment of such Monies by Action, Forfeiture, and otherwise, as are by the Companies Clauses Consolidation Act provided in respect of Money subscribed towards the Undertaking of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company: Provided nevertheless, that the Amount so to be called for and enforced shall not in any Case exceed, together with the Sums which may have been already paid upon such Shares, the Sum of Twenty Pounds upon each such Share of Twenty-two Pounds.

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

XV. And be it enacted, That all Sums of Money (if any) which at the Time of the Creation of such new Shares by virtue of this Act shall have been called up and paid, or called up but not paid for, or on account of any Shares in lieu or substitution for which any Share or Shares shall be given or granted by virtue of this Act, 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.

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

XVI. And be it enacted, That all Persons and Corporations in whom any of the said new or substituted Shares shall become vested under the Provisions herein-before contained, 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

original Share or Shares for which such new Share or Shares was or were substituted was or were subject and liable immediately before such Substitution took place, and so as to give effect to and not revoke any Will or Testamentary Instrument disposing of or affecting such original Share or Shares.

As to Dividends on Shares or Stock.

XVII. And be it enacted, That the Proprietors of the several Shares or Stock in the Capital of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company which are hereby vested in the Persons and Corporations who were Proprietors of Shares in the Capital of the *Chester and Birkenhead* Railway Company shall be entitled in respect thereof to Interest as follows; (that is to say,) from the First Day of *January* One thousand eight hundred and forty-seven to the First Day of *January* One thousand eight hundred and forty-nine the said Proprietors shall be entitled to Interest on the nominal Amount of the Shares vested in them respectively at the Rate of Five Pounds *per Centum per Annum* on such Amount, subject nevertheless to Deduction in respect of any Sums which the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall be entitled to call for as aforesaid on the said Shares of Twenty-two Pounds each; and from the said First Day of *January* One thousand eight hundred and forty-nine to the First Day of *January* One thousand eight hundred and fifty the said several Proprietors shall be entitled to Interest on the nominal Amount of their said Shares respectively at the Rate of Six Pounds *per Centum per Annum* on such Amount, subject to such Deduction as aforesaid; the Interest herein-before mentioned to be paid to the said Proprietors half-yearly during the Period aforesaid, on the First Day of *July* and the First Day of *January* in each Year.

Such Interest to be guaranteed.

XVIII. And be it enacted, That such Interest shall be payable in preference to and before any Dividend or Interest shall be payable or paid upon any other Part of the Capital of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and shall be received in lieu and satisfaction of all Dividends and Interest.

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

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

The Birkenhead, Lancashire, and Cheshire Junction Railway Company not to raise more Capi-

XX. And whereas the Capital authorized to be raised by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company by the said herein-before recited Act is One million five hundred thousand Pounds, which is to be raised in Shares of the nominal Value of Thirty-three Pounds Six Shillings and Eight-pence each Share: And whereas the Amount which will be paid to the *Chester and Birkenhead* Railway Company as Premium on their several Shares is

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One hundred and five thousand Pounds, be it enacted, That it shall not be lawful for the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to raise more Capital under the Powers of their said recited Act than One million three hundred and ninety-five thousand Pounds; and the nominal Value of each Share in such Capital shall be reduced from Thirty-three Pounds Six Shillings and Eight-pence to Thirty-one Pounds.

tal than 1,395,000*l.* under their Act, 1846.

XXI. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and fifty the Proprietors of the said Shares of the nominal Value of Twenty-seven Pounds Ten Shillings, and Twenty-two Pounds, by this Act authorized to be created, shall be entitled to share the Profits of the Undertaking *pari passu* with the Proprietors of the Shares in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company of the nominal Value of Thirty-one Pounds, in proportion to the Amount paid up by such Proprietors respectively.

After 1st Jan. 1850, Shares created by this Act to merge in general Capital.

XXII. And be it enacted, That all such Agreements as previously to the passing of this Act shall have been entered into between the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and the *Chester and Birkenhead* Railway Company, with respect to the Incorporation of the latter Company and their Undertakings with the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and their Undertaking, shall, unless inconsistent with this Act, be carried into effect and enforced by and against the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Agreements may be carried into effect.

XXIII. And be it enacted, That, subject to the Provisions herein contained, the *Chester and Birkenhead* Railway Company shall, from and immediately after the passing of this Act, be and is hereby dissolved for all Purposes, except such as may be necessary for enforcing any Agreements entered into between them and the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or any of the Provisions of this Act, for which Purposes the said *Chester and Birkenhead* Railway Company shall, notwithstanding this Enactment, continue and have Power to act as a Body Corporate.

Chester and Birkenhead Railway Company to be dissolved.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall abate or prejudice any Action or Suit which shall have been commenced by or against the *Chester and Birkenhead* Railway Company before the passing of this Act, but the same may be continued, proceeded with, and prosecuted, as if this Act had not been passed; and nothing in this Act contained shall tend to revive or continue any Right of Action which, by virtue of the said recited Acts or any of them, should be brought within a limited Time, but such Action shall be brought within the same Time against the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company as it must or should have been against the *Chester and Birkenhead* Railway Company in case this Act had not been passed; and nothing in this Act contained shall prevent the suing for or recovering, either in the Name of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or of the *Chester and Birkenhead* Railway Company,

Dissolution not to abate Actions.

pany, any Penalty incurred for any Offence against the Provisions of any Act relating to the said Companies respectively, on or before the passing of this Act, or prevent, defeat, or abate any Prosecution, but all Penalties which shall have been so incurred may be sued for, and all Offences which shall have been so committed may be prosecuted, either in the Name of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company or of the *Chester and Birkenhead* Railway Company, in the same Manner to all Intents and Purposes as the same could have been sued for or prosecuted in the Name of the *Chester and Birkenhead* Railway Company if this Act had not been passed.

Saving the Rights of the Owners of Rent-charges, Mortgages, &c.

XXV. Provided also, and be it enacted, That nothing in this Act contained shall diminish, prejudice, increase, extend, vary, or otherwise affect the Rights, Remedies, Securities, or other Claims of any Person or Corporation to whom any Sum of Money is or but for the passing of this Act would have been or become due or payable from the *Chester and Birkenhead* Railway Company or the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, for Chief Rents, Ground Rents, Rents-charge, or other Rent or annual Sum, or upon or by virtue of any Mortgage or Bond from or by either of such last-mentioned Companies, but that all such Rights, Remedies, Securities, and other Claims shall continue and be charged and chargeable upon the same Property and Effects, have the same Priorities, and be in all respects in the same State and Condition, and of the same Force, Validity, and Effect as they would have been if this Act had not been passed.

Directors of the Company.

XXVI. And be it enacted, That the several Persons who at the Time of the passing of this Act shall be the Directors of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and the several Persons who at the same Period shall be the Directors of the *Chester and Birkenhead* Railway Company, shall continue in Office as Directors under this Act until the Special General Meeting of the Company next herein-after mentioned; and a Special General Meeting of the Company shall be held within One Month after the passing of this Act, and at such Meeting the said Directors respectively shall retire from Office, and the Proprietors of the Company present at such Meeting shall elect not more than Fifteen Persons to be Directors of the Company in lieu of those so retiring from Office, and such Directors shall retire from Office at such Times and in such Proportions, and their Places shall be supplied in such Manner as is provided by the Companies Clauses Consolidation Act; and for all Purposes connected with the Qualification of Directors, Shares held under this Act shall be deemed Shares in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company held under the Act relating thereto; and all the Provisions in the recited Act relating to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company contained in reference to Directors going out of Office being re-eligible, the Constitution of Meetings for choosing Directors, and the Proceedings thereat, and all other Provisions in the said Act contained in reference to the Number, Qualification, Election, Duties, and Powers of Directors, so far as the same are not repugnant to or incon-

inconsistent with the Provisions in this Act contained, shall continue in full force.

Power to the Birkenhead, Lancashire, and Cheshire Junction Railway Company to exercise Powers of the Chester and Birkenhead Railway Company as to the raising of Money.

XXVII. And be it enacted, That it shall be lawful for the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, after the passing of this Act, and upon the Execution of the Deed of Conveyance aforesaid, to exercise all Powers with reference to the raising of Money either by the Creation of new Shares or by Mortgage which may have been granted to the *Chester and Birkenhead* Railway Company by the said recited Acts relating to such Company, and which may be then in force, and for such Purpose to create additional Shares in the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or to mortgage or assign the Undertakings, and the Rates, Tolls, or other Property of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, as the Case may be, but so nevertheless that the total Amount of Money to be raised by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company under the Powers of this Act and of the said recited Acts, and any other Act or Acts of the present Session of Parliament relating to their Undertaking, shall not exceed the aggregate Amount of Capital which the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and the *Chester and Birkenhead* Railway Company respectively are or may be authorized to raise under the Powers of the said recited Acts and any other Act or Acts of the present Session relating to their respective Undertakings, the Amount of the Capital to be raised under the said recited Act incorporating the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company being limited, as herein-before enacted, to the Sum of One million three hundred and ninety-five thousand Pounds.

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

XXVIII. And be it enacted, That if the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall pay off all or any Part of any Money which has been or shall at any Time or Times hereafter be borrowed under the Authority of the several Acts of Parliament relating to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or to the *Chester and Birkenhead* Railway Company, or any of such Acts, then and in every such Case it shall be lawful for the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and they are hereby authorized and empowered immediately, or at any Time or Times and from Time to Time thereafter, again to raise or borrow the whole or any Part of the Amount so paid off on the Credit of the several Undertakings vested in them, and for that Purpose to mortgage and assign the Undertakings, and the Rates, Tolls, and other Property of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, or any Part thereof respectively (the Costs and Charges of assigning the same to be paid out of the Money so to be raised), as a Security for any Sum of Money which shall be so again raised or borrowed, with Interest, to such Person as shall advance the same, and so from Time to Time as often as the same shall happen, but so neverthess that the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall not under the Authority of this Act in any event borrow or owe upon Mortgage at any one Time more than the total Amount authorized to be raised or borrowed by the said several Companies respectively.

XXIX. And

Provisions of former Act of the Birkenhead, Lancashire, and Cheshire Junction Railway Company applicable to this Act.

XXIX. And be it enacted, That so much and such Parts of the recited Act and of any Act of the present Session of Parliament relating to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company as relate to or in any Manner concern the Appointment, Duty, Power, Obligation, or Liability of Directors, Committees, Clerk, Secretary, Treasurer, or other Officers, the making or Enforcement of Bye Laws, the keeping, Examination, Inspection, or making up of Accounts, the making Calls and enforcing Payment of Calls, the Forfeiture of Shares for the Nonpayment of Calls, the raising Money, the Conversion of Debt into Capital, the Consolidation of Shares into Stock, the transferring or Transmission of Shares or Stock, the Declaration or Receipt of Dividends, and the Service of Notice, Writ, or other Process (except so far as the same or any of them have heretofore been or by this Act is or are varied, altered, or repealed, or so far as the same or any of them may be inconsistent with the Provisions and Purposes of this Act), and all other Powers and Provisions of the aforesaid Acts, not inconsistent with this Act, shall be good, valid, and effectual to and for the Undertakings of the *Chester and Birkenhead* Railway Company as well as of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, and all the Purposes thereof respectively, and for carrying this Act into execution, in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever as if the same had been repeated and re-enacted expressly in this Act.

Commissioners of Railways may require Inconveniences and Evils to be remedied.

XXX. And be it enacted, That, if at any Time after the passing of this Act it shall appear to the Commissioners of Railways to be necessary for the Interests of the Public, it shall be lawful for the said Commissioners to require the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils by the Commissioners specified; and upon the Failure or Inability of such Company to comply with the Requisitions of the said Commissioners within the Period of Six Months from the Date of such Requisition in the Particulars aforesaid, it shall be lawful for the said Commissioners to serve the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company with Notice to introduce into Parliament, in the then existing Session if Parliament should be then sitting, and if not in the next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company shall and is hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Commissioners to introduce or prosecute (as the Case may be) such Bill at the Expence of the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Railway Companies to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97

XXXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better*

Regulation of Railways, and for the Conveyance of Troops; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said last Session of Parliament, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways, or the said *Chester and Birkenhead* Railway Company, or the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, in respect thereof from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said *Chester and Birkenhead* Railway Company and the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, so far as the same shall be applicable thereto. 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

Railways to be subject to Provisions of any future general Act.

XXXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Railways by the said recited Acts or this Act amalgamated or authorized to be made and completed from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 maximum Rates of Fares and Charges authorized by this Act or the said recited Acts.

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

XXXIII. And be it enacted, That (except as in the said recited Acts and in this Act is expressly authorized) 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 *London and North-western* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities, under their several Acts of Parliament, and the said several recited Acts and otherwise, are hereby expressly saved and reserved against and with respect to the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Expences of Act.

XXXIV. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies received or to be received by them by virtue of this Act, or out of any other Monies at their Disposal.

Short Title.

XXXV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it by the Title of "The *Birkenhead, Lancashire, and Cheshire Junction* Railway and *Chester and Birkenhead* Railway Amalgamation Act, 1847."

Public Act. XXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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