ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lx.

An Act to enable the *Chester and Holyhead* Railway Company to purchase, hire, and use Steam Boats; and for other Purposes. [22d *July* 1848.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Chester *to* Holyhead, whereby certain Persons were incorporated by the Name of the "*Chester and Holyhead* Railway Company:" And whereas by the said Act the *London and Birmingham* Railway Company, since incorporated with other Railway Companies under the Style or Title of the "*London and North-western* Railway Company," were authorized to subscribe the Sum of One million Pounds towards the Capital of the Undertaking, and they have subscribed and paid such Sum accordingly: And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her said Majesty, intituled *An Act for completing the Line of the* Chester and Holyhead *Railway, and for amending the Act relating to the said Railway*: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to enable the* Chester and Holyhead *Railway Company to extend their Line of Railway to the proposed new Harbour at* Holyhead, *and to contribute towards the Expense of constructing the said Harbour*: And

7 & 8 Vict. c. 65.

8 & 9 Vict. c. 33.

10 & 11 Vict. c. 238.

10 & 11 Vict. c. 147.

whereas another Act was also passed in the last Session of Parliament, intituled *An Act to authorize an Extension of and the Construction of a Station in connexion with the* Chester and Holyhead *Railway at* Chester, *and for other Purposes:* And whereas the Object of constructing the Railway by the firstly recited Act authorized to be made was for the Purpose of expediting and facilitating the Communication between *London* and other important Towns and *Ireland:* And whereas the said Communication with *Ireland* would be greatly expedited and facilitated if the said Company were authorized to build and construct Steam Boats and navigate the same, or to charter, hire, and manage Steam Boats, or to contribute towards the Funds of Companies or Persons having or navigating Steam Boats to communicate with *Ireland* in conjunction with the said Railway; and it is expedient that the said Company should be empowered to raise further Capital for such Purposes, and that the said *London and North-western* Railway Company should be enabled to subscribe towards such Capital: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be amended 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 all the Provisions, Matters, and Things contained in the recited Acts relating to the *Chester and Holyhead* Railway, so far as the same are now unrepealed and are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes, Matters, and Things.

Powers of recited Acts extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *Chester and Holyhead* Railway Act, 1848."

Power to raise Capital.

III. And whereas the additional Capital which the said Company will require for the Purposes of this Act, over and above the Capital which they were authorized to raise by the herein-before recited Acts, is Two hundred and fifty thousand Pounds: Be it therefore enacted, That it shall be lawful for the said Company to raise, for the several Purposes aforesaid, the Sum of Two hundred and fifty thousand Pounds, by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms generally and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose; or it shall be lawful for the said Company to raise the said Sum of Two hundred and fifty thousand Pounds by the Creation of Shares or Stock bearing a guaranteed Rate of Interest not exceeding Ten *per Cent.*: Provided always, that any Guarantee of Dividend which may be granted in respect of such new Shares or Stock by virtue of this Act shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by

by the said Company by or in pursuance of any Act of Parliament passed prior to the passing of this Act.

Power to London and North-western Company to subscribe to additional Capital;

IV. And be it enacted, That it shall be lawful for the *London and North-western* Railway Company and they are hereby authorized to subscribe the Sum of One hundred and twenty thousand Pounds, or any less Amount, towards the additional Capital hereby authorized to be raised, and to become Shareholders in the Undertaking for the additional Amount so subscribed by them, either in their own Name or in the Names or Name of any Person or Persons to be appointed by them.

and to raise Money for that Purpose.

V. And be it enacted, That for such Purpose it shall be lawful for the said *London and North-western* Railway Company to raise all or any Part of the Money to be subscribed by them as aforesaid by the Creation of new Shares or Stock in the Undertaking of the said *London and North-western* Railway, of such Amount as the *London and North-western* Railway Company, at any special General Meeting of the Proprietors thereof to be convened for the Purpose, shall determine; or it shall be lawful for the said last-mentioned Company, if they think fit, to raise the said Sum or any Part thereof by Mortgage of the Undertaking of the said *London and North-western* Railway, in like Manner and under and subject to the same Provisions as they are by all or any of the Acts relating to the said Undertaking authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the said *London and North-western* Railway Company shall not by such Means increase the Amount which may be owing at any one Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital in Shares and Stock.

Power to borrow Money on Mortgage.

VI. And be it enacted, That after the whole of the Capital in Shares by this Act and the said recited Acts authorized to be raised by Shares shall have been subscribed, and One Half thereof shall have been actually paid up, it shall be lawful for the said Company for the Purposes of this Act to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole the Sum of Eighty-three thousand Pounds, in addition to the Sums authorized to be borrowed by the said recited Acts, and to secure the Payment of the Sums so to be borrowed by Mortgage of the Undertaking of the *Chester and Holyhead* Railway Company.

Re-borrowing.

VII. And be it enacted, That if after having borrowed any Part of the Money by this Act authorized to be borrowed the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

VIII. Provided always, and be it enacted, That all the Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

IX. And

Power to convert Loan into Capital.

IX. And be it enacted, That it shall be lawful for the Company, if they shall think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares in the Company instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to pay off such Loan or any Part thereof, if they so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

If Loan converted into Capital, London and North-western Railway Company may subscribe towards such additional Capital.

X. And be it enacted, That in the event of the said Company raising the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares under the Powers lastly herein-before contained, it shall be lawful for the said *London and North-western* Railway Company to subscribe for and to take and hold such a Number of the said new Shares as may be allotted to them by the said Company, proportionate to the Interest which the said *London and North-western* Railway Company may then hold in the then existing Capital of the Company.

Interest not to be paid on Calls paid up.

XI. And be it enacted, That it shall not be lawful for the said Companies, or either of them, out of any Money by this Act or any other Act relating to the said Companies, or either of them, authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Companies, or either of them, from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the several Acts relating to the said Companies respectively in that Behalf contained.

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

XII. And be it enacted, That it shall not be lawful for the said Companies, or either of them, out of any Money by this Act or any other Act relating to the said Companies, or either of them, 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 Companies, or either of them, to construct any other Railway or execute any other Work or Undertaking.

Power to Company to navigate Boats for establishing a Communication between Holyhead and Dublin.

XIII. And be it enacted, That for the Purpose of establishing an efficient Communication between *Holyhead* and *Dublin*, in connexion with their said Railway, it shall be lawful for the said Company and they are hereby authorized and empowered to purchase or to build and construct, navigate, use, maintain, and work, and also to charter or hire Steam Boats, or to contract and make Arrangements with, or to subscribe or contribute towards the Funds of any Company or Persons having or making or navigating Steam Boats, and in

and

and upon such Steam Boats to convey Passengers, Cattle, and Goods of every Description, or to agree with any other Company or Person for the Conveyance of Passengers and Cattle and Goods between the Ports or Harbours of *Holyhead* and *Dublin* aforesaid, and to do all Acts that may be necessary to enable them to carry fully into effect the Purposes aforesaid: Provided always, that nothing herein contained shall extend to authorize the Company to run or employ Steam Boats to run to or from any other Ports in *Ireland* than the Ports of *Dublin*, *Howth*, and *Kingstown*, (unless compelled by Stress of Weather,) and they are hereby expressly prohibited from running or employing Steam Boats to run to any other Ports.

Power to Company to charge Rates for Steam Boats.

XIV. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized to charge for the Conveyance of Passengers, Cattle, and Goods in the Steam Boats worked or employed by them between *Holyhead* and *Dublin* as aforesaid such reasonable Rates or Sums as they shall think proper, not exceeding the Rates or Sums authorized to be taken by them under the Authority of the several Acts relating to the said Railway, for the Conveyance of Passengers and Cattle, Goods and Merchandize, for a Distance of Sixty Miles thereon.

For securing Equality of Treatment.

XV. And be it enacted, That such Steam-boat Rates or Sums shall be at all Times charged to all Persons equally, and after the same Rate *per* Mile, in respect of all Passengers conveyed in a like Vessel passing between *Holyhead* and *Dublin*, under the like Circumstances, and no Reduction or Advance in any such Rate shall be made in favour of or against any Person using the said Steam Boats in consequence of such Person having travelled over the whole or any Part of the Railway, or not having travelled upon any Part thereof.

Provisions of former Acts to apply to Rates authorized to be taken.

XVI. And be it enacted, That all the Provisions and Regulations contained in the several Acts relating to the said Railway with respect to the Collection, Receipt, and receiving of the Rates and Tolls authorized to be taken for the Conveyance of Passengers, Cattle, and Goods upon the said Railway, and for the Prevention of Fraud upon the said Company in respect thereof, shall (so far as the same are applicable) extend to the Passengers, Cattle, and Goods conveyed in or upon such Steam Boats between the Ports or Harbours of *Holyhead* and *Dublin* aforesaid.

Company empowered to make Bye Laws.

XVII. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized from Time to Time to make Bye Laws, Orders, and Regulations in relation to Passengers, Cattle, and Goods conveyed in or upon such Steam Boats between the Ports aforesaid, and as to the Embarkation and Disembarkation thereof respectively, and to enforce the Observance of the same by Penalties, in the same Manner as they are authorized with respect to Passengers, Cattle, and Goods conveyed upon their Railway, such Bye Laws, Orders, and Regulations being previously sanctioned and authenticated in the same Manner as is required by the said Acts relating to the said Railway, and by the general Law relating to Railways; and such Bye Laws, Orders, and Regulations, and all

Penalties and Forfeitures in respect of the Breach thereof, shall be enforced and recovered in the same Manner as by the said Acts are provided with respect to Offences committed upon the said Railway; and all Offences committed upon board of the said Steam Boats shall be considered to be committed within the County of *Anglesea*, or within the County of *Dublin*, and cognizable by any Justice of either of such Counties.

Rates and Bye Laws, how to be published.

XVIII. And be it enacted, That a List of the Charges from Time to Time appointed to be taken for the Conveyance of Passengers, Cattle, and Goods in the Steam Boats of or employed by the Company, and the Substance of all such Bye Laws, Orders, and Regulations as shall be made by the said Company in relation to such Passengers, Cattle, and Goods, shall be affixed, in manner provided by the Acts relating to the said Railway, in the Stations of the said Company at *Chester* and *Holyhead* respectively, and also in the Cabins appropriated to Passengers in the several Steam Vessels so used and employed by the Company as aforesaid.

Company compelled to convey Her Majesty's Mails, &c. after Notice from Postmaster General.

XIX. And be it enacted, That from and after the Expiration of any Notice of not less than Twenty-eight Days, which may be given to the said Company by Her Majesty's Postmaster General, requiring the said Company to convey Her Majesty's Mails or Post Letter Bags in their said Steam Boats, the said Company shall receive and convey between *Holyhead* and *Dublin*, *Howth*, or *Kingstown*, on board each and every of their Steam Boats, such of Her Majesty's Mails or Post Letter Bags as shall be at any Time or Times tendered to them, or any of their Officers, Servants, or Agents, for that Purpose by any Officer of or Person employed in the Post Office Service; and the said Company shall take due and proper Care thereof, and leave and deliver the same, immediately at the Termination of each Voyage which the said Mails or Post Letter Bags shall be conveyed, to the Party or Parties duly authorized by the Post Office Department to receive the same; and for every such receiving, Conveyance, Custody, leaving, and delivering by the said Company there shall be paid quarterly to the said Company by Her Majesty's Paymaster General the actual Amount of Expense and Outlay which the said Company may incur and expend exclusively in performing such Service, and which the said Company would not have incurred and expended had they not performed the same; the Amount thereof to be fixed and agreed on, or determined by Arbitration in case of Difference, in the same Manner as Remuneration for the Conveyance of Mails and Post Letter Bags by Railways is fixed and agreed or determined upon under or by virtue of an Act 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*: Provided always, that the said Service by the said Company shall not be suspended, postponed, or deferred by reason of the Amount of such Outlay and Expense not having been fixed, agreed, or determined.

1 & 2 Vict. c. 98.

Penalty, &c. for Refusal or Neglect.

XX. And be it enacted, That if from and after any such Notice by the Postmaster General the said Company, or any of their Officers, Servants, or Agents, shall refuse or neglect to convey any Mails or Post

Post Letter Bags, when tendered to them for such Purpose by any Officer of or Person employed in the Post Office, or shall refuse or neglect to receive, leave, or deliver, as aforesaid, any such Mails or Post Letter Bags, then and in any and every such Case the said Company, or any of their Officers, Servants, or Agents who shall so offend, shall for every such Offence forfeit and pay a Sum of Twenty Pounds; and in addition to such Penalty the said Company shall be liable to pay all the Expenses which may be incurred by the Hire of any other Steam Vessel or otherwise for conveying such Mails or Post Letter Bags, or for leaving or delivering the same as aforesaid; and whenever such Expenses are incurred the Amount thereof shall be a Debt due to the Crown from the said Company, and be recoverable with Costs of Suit.

Repeal of certain Provisions in first-recited Act.

XXI. And whereas by the first-recited Act it was enacted, that in making the said *Chester and Holyhead* Railway through or immediately adjoining the Estate of the Honourable *Edward Mostyn Lloyd Mostyn* in the County of *Flint*, the Company should and they were thereby required to construct the same in the amended Line or Course and in the Manner laid down and described in or upon a Plan and Specification therein referred to, which had been agreed upon between the Engineer of the said Company and the Agent of the said *Edward Mostyn Lloyd Mostyn*: And whereas the said *Edward Mostyn Lloyd* has been satisfied by other Arrangements made between him and the said Company in substitution of the Matters and Works directed or referred to in the said Provision: Be it enacted, That the said recited Provision shall be and the same is hereby repealed.

As to the London and North-western Company subscribing additional Capital authorized to be raised in the last Session;

XXII. And whereas the said *London and North-western* Railway Company, by virtue of the Powers contained in the said first-recited Act, have subscribed and become Shareholders in the Undertaking of the said *Chester and Holyhead* Railway to the Extent of One million Pounds: And whereas by the Acts thirdly and fourthly herein recited the said *Chester and Holyhead* Railway Company were empowered to raise further Sums of Money for the Purposes of their Undertaking, amounting in the whole to the Sum of Four hundred thousand Pounds, and the said *London and North-western* Railway Company, as Shareholders in the general Capital of the said *Chester and Holyhead* Railway Company, have no Power to hold an additional Number of Shares in the Capital lastly authorized to be raised by the said *Chester and Holyhead* Railway Company proportionate to the Number of Shares subscribed for and paid by them in the original Capital of the said Company, and it is expedient that such Power should be granted to them: Be it therefore enacted, That it shall be lawful for the *London and North-western* Railway Company and they are hereby authorized to subscribe any Sum not exceeding the Sum of Three hundred thousand Pounds towards the additional Capital authorized to be raised by the said *Chester and Holyhead* Railway Company by the Two recited Acts passed in the last Session of Parliament, and to become Shareholders in the Undertaking for the additional Amount so to be subscribed by them, either in their own Name or in the Name or Names of any Person or Persons to be appointed by them.

XXIII. And

and for raising Money for the Purpose.

XXIII. And be it enacted, That for such Purpose it shall be lawful for the said *London and North-western* Railway Company to raise all or any Part of the Money subscribed or to be subscribed by them as aforesaid by the Creation of new Shares or Stock in the Undertaking of the said *London and North-western* Railway, of such Amount as the *London and North-western* Railway Company, at any special General Meeting of the Proprietors thereof to be convened for the Purpose, shall determine; or it shall be lawful for the said last-mentioned Company, if they think fit, to raise the said Sum or any Part thereof by Mortgage of the Undertaking of the said *London and North-western* Railway, in like Manner and under and subject to the same Provisions as they are by all or any of the Acts relating to the said Undertaking authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the said *London and North-western* Railway Company shall not by such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital in Shares and Stock.

Powers as to Steam Boats to cease in 14 Years.

XXIV. And be it enacted, That the Powers hereby granted to purchase, hire, use, and own Steam Boats shall continue for the Term of Fourteen Years from the First Day of *January* next after the passing of this Act.

Expenses of Act.

XXV. And be it enacted, That all Costs, Charges, and Expenses attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act.

XXVI. 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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