ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lix.

An Act to alter, amend, extend, and enlarge the Powers and Provisions of the several Acts relating to the Grand Junction Railway; and for other Purposes connected therewith.

[4th *July* 1838.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the* Warring- 3 & 4 W. 4.
ton *and* Newton *Railway at* Warrington *in the County of* Lancaster c. 34.
to Birmingham *in the County of* Warwick, *to be called the "Grand Junction Railway":* And whereas another Act was passed in the Fourth Year of the Reign of His said late Majesty, intituled *An Act to* 4 & 3 W. 4.
enable the "Grand Junction Railway Company" to alter and extend the c. 55.
Line of such Railway, and to make a Branch therefrom to Wolverhampton *in the County of* Stafford; *and for other Purposes relating thereto:* And whereas another Act was passed in the Fifth Year of the Reign of His said late Majesty, intituled *An Act to enable the "Grand* 5 & 6 W. 4.
Junction Railway Company" to alter the Line of such Railway, and to c. 9.
make Two Branches therefrom in the County of Stafford, *and for other Purposes relating thereto:* And whereas another Act was passed in the said Fifth Year of the Reign of His said late Majesty, intituled, *An Act* 5 & 6 W. 4.
for incorporating "The Warrington *and* Newton *Railway" with "The* c. 8.
Grand Junction Railway," and for extending to the said first-mentioned

Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes relating thereto: And whereas it is expedient that some of the Powers and Provisions contained in the said several recited Acts should be altered, amended, extended, and enlarged, and that other Powers should be granted: And whereas the several Purposes aforesaid cannot be carried into effect 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 Parliament assembled, and by the Authority of the same, That all the Powers for taking Land, and all other the Powers, Authorities, Provisoes, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said several recited Acts (except such of them or such Parts thereof respectively as are by any of the said recited Acts or by this Act expressly repealed, altered, or otherwise provided for) shall extend and be construed to extend to this Act, and shall operate and be revived and continued in force in respect to the Objects and Purposes hereof, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Provisoes, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Powers of former Acts extended to this Act, except as altered or repealed.

II. Provided always, and be it further enacted, That in every Case in which the Owner in Fee Simple or Tenant in Tail of any Lands shall in his Arrangements with the said Company have received or agreed to receive, or shall receive or agree to receive, Compensation for or in lieu of Gates, Bridges, Arches, Roads, Hollows, Culverts, Fences, Ditches, Drains, or Passages, instead of the same being erected or formed by the said Company, for the Purpose of facilitating the Passage to, from, over, across, under, or by the Side of the said Railway, or shall have made or shall make any other Arrangement with the said Company touching or concerning the same, every such Arrangement or Agreement shall be and is hereby declared to be lawful and binding, not only upon the Person or Persons making the same, but also on all other Persons claiming by, from, through, after, or in Trust for him or them; provided that no such Arrangement or Agreement shall prevent the future Owners of the Lands from passing or crossing the said Railway (from one Part to the other Part of their Lands severed and divided by the Railway) by means of a Bridge, Arch, or Culvert, to be erected at the Charge of such Owner (every such Bridge, Arch, or Culvert to be so erected, built, and maintained as not in any way to injure or interfere with the said Railway or Works, or the Use of or Passage upon or along the same).

Compensation in lieu of Gates, Bridges, &c.

Empowering Company to Purchase Thirty Acres of Land.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation (who shall be willing to sell the same) for the Purchase of any Lands not exceeding in the whole Thirty Statute Acres (in addition to the Lands by any of the said recited Acts authorized to be taken and used), in such Place or Places as shall be deemed eligible, for the Purpose of making and providing additional Stations, Yards, Wharfs, waiting,

waiting, loading, or unloading Places, Warehouses, Offices, and other Buildings and Conveniences, for receiving, depositing, loading, or keeping any Cattle, or any Goods, Articles, Matters, or Things, conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purposes whatsoever connected with the Undertaking which the said Company shall judge requisite; and it shall be lawful for all Persons and Corporations (including especially such Persons and Corporations as are by the said recited Acts or any of them capacitated to sell and convey other Lands, and to release Rents and other Charges) to sell or grant and convey to the said Company and their Successors any Lands whatsoever for the Purposes herein-before mentioned or any of them, and to release Rents and other Charges thereon, or to enfranchise any such Lands, being of Copyhold or Customary Tenure, in the same Manner as is by the said recited Acts or any of them directed concerning the Lands to be taken for the Purpose of making the said Railway and other Works by the said Acts authorized.

Company authorized to sell Lands not required for additional Stations, &c. and afterwards to purchase other Lands for the same Purposes.

IV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they are by this Act empowered to purchase, and shall actually have purchased, for the Purposes of additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, Offices, and other Buildings and Conveniences, as herein-before authorized, or such Parts of such Lands as the said Company shall think proper, and in such Manner, and for such Considerations, and to such Persons as the said Company shall think proper, and again to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time as the said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes lastly herein-before mentioned shall not exceed at any One Time the Number of Acres for those Purposes expressly specified or allowed in this and the said recited Acts.

Restraining Company from purchasing more than Thirty Acres of Land for additional Stations from incapacitated Persons.

V. And be it further enacted, That it shall not be lawful for the said Company to purchase for the Purposes last before mentioned, from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, more than such Thirty Statute Acres; and in case the said Company shall purchase such Thirty Statute Acres from any Person or Corporation under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Thirty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same Person or Corporation being under legal Disability or Incapacity, nor for such Person or Corporation to sell to the said Company, any other Lands in lieu of such Thirty Statute Acres

Acres of Land, or any Part thereof, so sold or disposed of by the said Company.

Penalty on Persons obstructing free Course of Railway.

VI. And whereas it is expedient to make further and more effectual Provision for preventing Accidents upon the said Grand Junction Railway and the Branches thereof; be it therefore further enacted, That if any Person shall wilfully, maliciously, or negligently fix, throw, place, scatter, drop, or leave any Iron, Stone, Gravel, Rubbish, or any other Matter or Thing whatsoever upon any Part of the said Railway or any of the Branches thereof, or shall wilfully, maliciously, or negligently do any other Act, Matter, or Thing to obstruct the Passage of the said Railway or Branches, such Person, and every Person counselling, aiding, or assisting therein, shall be deemed guilty of an indictable Misdemeanor, and being convicted thereof before any Court of Quarter Sessions or Court of Assize shall, at the Discretion of such Court, be imprisoned and kept to hard Labour for any Term not exceeding Two Years.

Packages containing Goods of a dangerous Quality to be marked.

VII. And be it further enacted, That for the better preventing of Accidents or Injury to or upon the said Grand Junction Railway and Works, every Person who shall send or cause to be sent to or by or shall carry or have upon the said Railway, or any of the Stations or Works connected therewith, any Aquafortis, Oil of Vitriol, Gunpowder, or other such like Goods, or any Goods of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or otherwise shall give Notice in Writing to some Book-keeper or recognized Officer of the said Company previously to sending or causing to be sent, or carrying or having the said Goods to or by or upon the said Railway or Station or Works, on pain of forfeiting for every Default herein the Sum of Twenty Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Goods which in the Judgment of the said Company or their Officers or Agents shall be of a dangerous Quality; and it shall be lawful also for the said Company to restrain any other Persons from carrying or having any such Goods upon the said Railway or Station or Works.

For preventing Frauds on the Carriers on the Railway.

VIII. And be it further enacted, That if any Person who has (personally or by some other Party) at any Time taken a Place or Seat, or paid the Fare, or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or any other Company or Person using the said Grand Junction Railway, from one Place to another Place, shall knowingly or wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare, or been booked or taken his Place or Seat, or shall knowingly or wilfully ride or proceed, or attempt to ride or proceed, in the same or in any other Coach or Carriage, to a Place more distant than that to which he or she shall have so taken a Place or Seat, or paid the Fare or been booked, without previously paying to the said Company or other Company or Person aforesaid the additional Fare or Price of Carriage to such more distant Place, or if any Person

Person or Persons shall at any Time hereafter knowingly or wilfully ride or be in any of the said Company's Coaches or Carriages without having previously paid to the said Company or other Company or Person aforesaid his Fare, or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under any of the said recited Acts; and if any Person or Persons shall be discovered in or after the Commission or attempt to commit any such Offence as aforesaid, it shall be lawful for all Officers and Servants and other Persons on behalf of the said Company, and for all Constables, Gaolers, and Peace Officers, to apprehend and detain every such Person until he, she, or they can be conveniently taken before some Justice of the Peace, or until he, she, or they be otherwise discharged by due Course of Law.

Terms of Years to protect the Company.

IX. And whereas it is by the said first-recited Act enacted, that all such Conveyances and Assurances of Land to the said Company as therein mentioned should be valid and effectual in the Law to all Intents and Purposes, and should operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests thereby conveyed or aliened; be it further enacted, That although Terms of Years may hereafter be merged by Operation of any Conveyance or Assurance of Land made or to be made to the said Company, pursuant to or by virtue of the Provision last aforesaid, or pursuant to or by virtue of this or of any of the said recited Acts, yet all such Terms shall henceforth in Equity afford the same or the like Protection and Priority to or for the Benefit of the said Company, their Successors and Assigns, as if such Terms had been or were assigned and kept on foot in Trust for them, and to attend the Reversion and Inheritance.

Conveyances not required to be in any particular Form.

X. And whereas in many Cases the said Company have taken and may hereafter take Conveyances and Assurances of Land in a Form different from that pointed out by the said first-recited Act, and have inserted and may hereafter insert in many such Conveyances and Insurances special Matter by way of Agreements, Covenants, and otherwise; be it further enacted, That notwithstanding that any Conveyances or Assurances made or to be made to the said Company are not in the same or the like Form to that pointed out by the said first-recited Act, and notwithstanding that any such Conveyances or Assurances do or shall contain other or additional Matter (by way of Agreement, Covenant, or otherwise), all such Conveyances and Assurances shall be valid, binding, effectual, and conclusive, and shall have the same Operation and Effect in all respects, as if made in the Form pointed out by the said first-recited Act; and all Covenants, Stipulations, Conditions, Arrangements, and Agreements contained in, or made or evidenced by any Conveyance or Assurance made or to be made to the said Company, shall be binding upon all the Parties thereto, and upon all other Parties claiming by, from, through, under, or after them, and the respective Heirs, Executors, and Administrators of all such Parties, and also upon the said Company.

Company not to be entitled to Lands on Payment of Compensation for Damages only.

XI. And be it further enacted, That (notwithstanding any thing in any of the said recited Acts contained) it shall not be lawful for the said Company to take permanent Possession of any Lands upon, nor shall the Fee of any Lands vest in the said Company by the mere Payment of Compensation for Damages, without Payment also of the Value of such Lands as agreed upon or awarded in pursuance of the said recited Acts.

Notices to the Company.

XII. And whereas it is by the said first-recited Act enacted, that in all Cases in which it may be necessary for any Persons or Corporations to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof upon or at the Office of the Clerk of the said Company, or at or with some Inmate of his last or usual Place of Abode, or Service thereof at the principal Office of the said Company, or in case the same respectively shall not be found or known, then personal Service thereof upon any of the Directors, or upon any other Agent of or Officer employed by the said Company, or Service thereof at or with some Inmate of his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed; and in lieu thereof, be it further enacted, that in all Cases in which it may be necessary to give or serve any Summons or Demand, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise howsoever, upon the said Company, the same shall be given to or served upon or left at the usual Place of Abode of the Clerk of the said Company, or in case there shall be no such Clerk, then the same shall be given to or served upon or left at the usual Place of Abode of some one of the Directors of the said Company, and such Service shall be deemed good and sufficient Service on the said Company.

Appeal against a Rate.

XIII. And be it further enacted, That if the said Grand Junction Railway Company shall think themselves aggrieved by any Rate, Assessment, or Charge for or towards the Relief of the Poor, or for any other Purpose mentioned in the several Acts of Parliament relating to the Poor, or by any Church Rate, Highway Rate, or any other Parochial or such like Rate, Assessment, or Charge, it shall and may be lawful for the said Company to appeal against such Rate, Charge, or Assessment to the Justices and to the General Quarter Sessions of the Peace for the County, Division, or Place having Jurisdiction over the Parish, Township, or Place for which any such Rate, Charge, or Assessment is or may be made; and such Appeal may be made either to the next practicable Session after the making Allowance or Publication of any such Rate, Assessment, or Charge, or to any subsequent Session not later than the next practicable Session after the Amount of any such Rate, Assessment, or Charge shall have been demanded from the Clerk, Treasurer, or One of the Directors of the said Company; and the Justices in Sessions, and also all other Courts, Justices, and Persons, shall have the same Power and Authority for Relief of the Appellants in any such Appeal as if such Appeal had been made immediately upon the making Allowance or Publication of any such Assessment,

Assessment, Rate, or Charge; Provided always, that such Demand may be made by Letter addressed to the Clerk of the said Company, and sent by the Post.

Power to convert Debts into Capital.

XIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by any Order or Orders of any Special General Meeting or Meetings to be from Time to Time held for that Purpose, to raise from Time to Time, by Subscription and Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, such Sum or Sums of Money as shall be sufficient for paying off and discharging the Whole or any Part of any Monies which they may have borrowed by virtue of the said recited Acts or either of them, from Time to Time; and the Monies so to be raised from Time to Time by Subscription and Contribution shall be divided into distinct and integral Shares, and shall be appropriated and disposed of in such Manner and Form, and by such Ways and Means, and under such Regulations and Restrictions, as by the Order of any such Meeting shall be determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferable as such; and all Bodies Politic, Corporate, and Collegiate, and other Persons, who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein and entitled to Dividends and Profits to the Extent of the Value of the Share or Shares to which he or they shall so have become entitled, as beneficially to all Intents and Purposes as the Proprietors of the One hundred Pound Shares into which the Capital Stock of the said Company is now divided, but nevertheless not in any greater Proportion than the new Shares so to be created as aforesaid may bear to such One hundred Pound Shares; and to such new Shares and the Proprietors thereof shall apply all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, and Things contained in the said several recited Acts or any of them, with reference to the said One hundred Pound Shares and the Proprietors thereof (save so far as any of such Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered); and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said Grand Junction Railway Company.

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

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

XVI. And

Votes in respect of new Shares.

XVI. And be it further enacted, That at all General and Special General Meetings of the said Company all Bodies Corporate and Collegiate, and all Persons who shall have become entitled to any Number of such new Shares (not exceeding together Two thousand Pounds in Amount), shall have One Vote for each One hundred Pounds in Amount of such new Shares; and all such Bodies and Persons as shall have become entitled to such a Number of such new Shares as shall together exceed Two thousand Pounds in Amount shall (over and above the Votes which they shall so as aforesaid, have in respect of the first Two thousand Pounds in amount) have an additional Vote for every Four hundred Pounds in Amount of such new Shares beyond the said Amount of Two thousand Pounds.

Gates to be kept shut.

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

Authorizing Ecclesiastical Persons to hold Shares.

XVIII. And be it further enacted, and hereby declared, so as to operate retrospectively as well as prospectively, That any Clerk, Clergyman, or Ecclesiastical Person or Body whatever is and has been and shall be legally competent to and can or may purchase, hold, or enjoy and dispose of any Share or Shares already or hereafter to be created in the said Company, or the Capital or Stock and Profits thereof, in like Manner, and subject to the same Conditions, as any other Body or Person is by this or the said recited Acts authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued, and enjoy the same Privileges and Immunities, as they are or would be entitled to if no such Clerk, Clergyman, or Ecclesiastical Person or Body was or had been a Shareholder, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding: Provided always, that no such Clerk, Clergyman, or Ecclesiastical Person shall be capable of acting as a Director or otherwise in the Management of the Affairs of the said Company.

Repealing the Provision of 3 W. 4. c. 34. requiring Company to keep separate accounts of certain Tonnage Rates.

XIX. And whereas it is in the said recited Act of the Third Year of the Reign of King *William* the Fourth enacted, that in all Cases in which the said Company of Proprietors shall carry for their own Profit any Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept showing the Amount of Tolls, Rates, or Dues which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect the same at any Times

during the first Fourteen Days in the Months of *February* and *August* in each Year: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby declared to be repealed.

New Provision respecting the keeping of separate Accounts.

XX. And be it further enacted, That in all Cases in which the said Company of Proprietors shall carry for their own Profit any Passengers, Cattle, or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept, showing the Amount of Tolls, Rates, or Dues which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway now passes or shall hereafter pass shall have free Access to and Liberty to inspect the same at any Times during the first Fourteen Days in the Months of *February* and *August* in each Year; and the Sums from Time to Time demanded by the said Company upon the Toll Boards by the said recited Act directed to be affixed in some conspicuous Place shall be assumed to be the Gross Tolls, Rates, or Dues which would so have been received by the said Company for the Use of the said Railway: Provided always, that if the said Company shall refuse or neglect to keep such Accounts they shall forfeit and pay the Sum of Three hundred Pounds for each Default therein; and if the said Company shall at any reasonable Time during the first Fourteen Days in the Months of *February* and *August* respectively in each Year refuse (for Ten Days after Demand in Writing) to permit any of the said Overseers of the Poor to inspect such Accounts as aforesaid, the said Company shall forfeit and pay the Sum of Fifty Pounds for each Day during which such Refusal shall continue; such several Penalties to be recovered and applied in like Manner as Penalties and Forfeitures are by the said recited Acts or One of them directed to be recovered and applied.

Punishment of Persons in the Service of the Company for Misconduct.

XXI. And be it further enacted, That if any Engine-man or other Person having the Care or Charge of any Engine upon the said Railway, or if any other Person, shall be upon the said Railway or Works in a State of Drunkenness or Inebriety, or shall do any Act or be guilty of any Negligence or Misconduct whereby the Life or Property of the said Company, or of any other Company, or of any Person, is or might be injured or endangered, every such Offender shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, to be recovered and applied in like Manner as Penalties imposed by any of the said recited Acts are directed to be recovered and applied.

Expences of the Act.

XXII. And be it further enacted, That all Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the first Monies that shall come to their Hands, in preference to any other Payment whatsoever.

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

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