ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. ccvii.

An Act for making and maintaining Railways from *Birkenhead* and *Poulton-cum-Seacombe* to *Hoylake* in the County of *Chester*. [28th *July* 1863.]

WHEREAS the making and maintaining Railways from *Birkenhead* and *Poulton-cum-Seacombe* to *Hoylake* would be of public and local Advantage: And whereas the several Persons in that Behalf in this Act named, with others, are willing at their own Expense to execute the Undertaking: And whereas Plans and Sections showing the Lines and Levels of the Railways and Works by this Act authorized to be made, and the Lands to be taken for the Purposes thereof, and Books of Reference to those Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Chester*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Hoylake Railway Act, 1863.

Short Title.

1. This Act may for all Purposes be cited as the "*Hoylake* Railway Act, 1863."

8 & 9 Vict. cc. 16. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," save so far as any of the Clauses and Provisions of those Acts respectively are varied or excepted by or are inconsistent with this Act, are incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Company incorporated.

4. *Henry Kelsall Aspinall*, *Harold Littledale*, *James Taylor*, *Nathaniel Cook*, *Thomas Tinley Barton*, *Joseph Craven*, and *Thomas Williams*, and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, or take Shares in the Capital of the Company, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purposes of the Undertaking by this Act authorized, and for those Purposes are by this Act incorporated by the Name of the "*Hoylake* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, sell, and otherwise dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to exercise the other Powers by this Act conferred upon them.

Capital.

5. The Capital of the Company shall be One hundred thousand Pounds in Ten thousand Shares of Ten Pounds each.

Calls.

6. Two Pounds a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls in any One Year on any Share.

Power to borrow on Mortgage.

7. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Thirty-three thousand three hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the Capital of One hundred thousand Pounds shall have been subscribed for, and One Half thereof shall actually have been paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," that the whole of the Capital has been subscribed for *bonâ fide*, and is held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

8. The

Arrears may be enforced by Appointment of a Receiver.

8. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Four thousand Pounds.

Application of Monies.

9. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act.

First Directors.

10. *Henry Kelsall Aspinall*, *Harold Littledale*, *James Taylor*, *Nathaniel Cook*, *Thomas Tinley Barton*, *Joseph Craven*, and *Thomas Williams* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company after the passing of this Act.

Election of Directors at First Ordinary Meeting.

11. At the First Ordinary Meeting of the Company the Shareholders present, personally or by proxy, may continue in Office the First Directors, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the First Directors appointed as aforesaid being eligible to be elected as Members of such new Body.

Quorum.

12. The Quorum of a Meeting of Directors shall be Three.

Number and Qualification of Directors.

13. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of not less than Fifty Shares in the Undertaking.

Power to reduce Number of Directors.

14. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five.

Subsequent Election of Directors.

15. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Meetings of the Company.

16. The First General Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of

of *February* and *August*, or such other Months as the Directors shall from Time to Time appoint.

Newspapers for Advertisements.

17. The Newspapers for Advertisements shall be any Newspapers published and circulating in the Counties of *Chester* or *Lancaster*.

Power to take Lands for Works authorized by Act.

18. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands and Property shown on the deposited Plans, and described in the deposited Books of Reference, as the Company may from Time to Time think expedient.

Powers for compulsory Purchases limited.

19. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

20. The Company by Agreement from Time to Time may purchase any Quantity of Land, not exceeding in the whole Two Acres, for any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Period for Completion of Railways and Works.

21. The Railways shall be completed within Four Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as is then completed.

Power to make Works authorized by Act.

22. Subject to the Provisions of this Act, the Company from Time to Time may make the several Works by this Act authorized in the Lines and according to the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands delineated on those Plans, and described in the deposited Books of Reference.

Works authorized as herein stated.

23. The several Works by this Act authorized comprise the following Railways and Works, with all proper Stations, Sidings, Bridges, Roads, Approaches, or Communications, and other incidental Works and Conveniences; (that is to say,)

RAILWAY No. 1.

A Railway commencing at a Point at or near the Junction of the public Road leading from *Seacombe Ferry* Westwardly with the new public Road running along the West Side of the North Reserve from *Seacombe Ferry* to the *Birkenhead* Docks, upon or near the Site of Three Messuages belonging to *Charles Cook* and *Nathaniel Cook*, in the Occupation of *Mary Ann Bird* and others, in the Township of *Poulton-cum-Seacombe* in the Parish of *Wallasey* in the County of *Chester*, and terminating at the Eastern Fence of an Occupation Road leading Northwardly from *Bidston* Village, known as *Old School Lane*, belonging to *Robert Vyner* Esquire, in the Township of *Bidston-cum-Ford* in the said Parish of *Bidston*, at a Point

Point about Sixty-six Yards to the Southward of the Centre of the Arch of the Bridge crossing the open Drain or Culvert at the End of the said Occupation Road or Lane, being the Third Bridge over the said Drain or Culvert from the Crossing thereof by the *Wallasey Bridge* Road.

RAILWAY No. 2.

A Railway commencing by a Junction with the herein-before described Railway No. 1. at the herein-before described Termination thereof at the Eastern Fence of the said Occupation Road belonging to *Robert Vyner* Esquire in *Bidston* aforesaid, and terminating at the Western Fence of the *Wallasey Bridge* Road at a Point upon the Westward Side of the said Road about Twenty-two Yards to the Northward of the Centre of the Arch of the Bridge by which the *Wallasey Bridge* Road crosses the before-mentioned Drain or Culvert, all in *Bidston* aforesaid in the County of *Chester*.

RAILWAY No. 3.

A Railway commencing by a Junction with the herein-before described Railway No. 1. at the herein-before described Termination thereof, and by a Junction with the herein-before described Railway No. 2. at the herein-before described Commencement thereof, at the Eastern Fence of the said Occupation Road belonging to *Robert Vyner* Esquire in *Bidston* aforesaid, at the Point aforesaid, and terminating in a Field known as Part of the Common on the Eastward Side of and contiguous to the Turnpike Road from *Hoylake* to *Birkenhead*, belonging to the Right Honourable the Lord *Stanley of Alderley*, and in the Occupation of *William Croxton*, in the Township of *Little Meols* in the Parish of *West Kirby* in the said County of *Chester*, at a Point about Fifty Yards to the Southward of the Dwelling House occupied by the said *William Croxton*.

Power to alter Engineering Works.

24. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificate, provided it shall appear to the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Lands in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein

contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Level Crossings.

25. Subject to the Provisions of this Act, the Company may carry the proposed Railways with a double Line of Rails across and on the Level of the Roads numbered on the said deposited Plans as follows; (to wit,)

No. on Plan.	Parish.	Description of Road.
29	Bidston - - -	Public Road.
171	Wallasey - - -	Public Road.

Not to shunt Trains over level Crossings.

26. It shall not be lawful for the Company in shunting Trains to pass any Trains over such level Crossings, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

Company to erect Station or Lodge where Roads crossed on the Level.

27. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Lodge at the Points where the before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain a Lodge or appoint a proper Person to watch or superintend the Crossing at such Points, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for any such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge instead of level Crossings.

28. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience at any Time, either before or after the Railways shall have been completed and opened for public Traffic,) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossings.

Bond for Completion of Railway.

29. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, a Sum of Six thousand four hundred and eighty Pounds, being Eight *per Cent.* upon Eighty-

Eighty-one thousand Pounds, the Amount of the Estimate in respect of the Railway by this Act authorized, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company before the Expiration of the Period limited for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half; and if that Period expire before the Company either open the Railways for the public Conveyance of Passengers, or give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company do not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have piad up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the Sum of Money so deposited as aforesaid, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum of Money and the Interest or Dividends thereof would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

30. The

Tolls.

30. The Company may demand and take for the Use of the Railway any Tolls not exceeding the following; (that is to say,)

For Passengers and Animals.

With respect to the Conveyance of Passengers:

Class 1. For every Person conveyed in a First-class Carriage, *per* Mile Twopence:

Class 2. For every Person conveyed in a Second-class Carriage, *per* Mile One Penny Halfpenny:

Class 3. For every Person conveyed in a Third-class Carriage, *per* Mile One Penny:

With respect to the Conveyance of Animals:

Class 4. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile Twopence:

Class 5. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage, *per* Head *per* Mile One Penny Halfpenny:

Class 6. For every Calf, Pig, Sheep, or Lamb, or other small Animal, conveyed in or upon any Carriage, *per* Mile One Halfpenny:

For Goods.

With respect to the Conveyance of Goods:

Class 7. For all Coals, Coke, Culm, Slack, Cannel, Cinders, Lime, Limestone, Sand, Clay (except Fireclay), Chalk, Dung, Compost, and all Sorts of common Manure, and all undressed Materials for the Repair of Highways, Clay, Ironstone, and Iron Ore, *per* Ton *per* Mile One Penny:

Class 8. For all Pig Iron, Bar Iron, Rod Iron, and all other similar Descriptions of Wrought Iron, Railway Chairs, and other similar Descriptions of Iron Castings not manufactured into Utensils, or other Articles of Merchandise, undressed Stones for building, pitching, and paving, Bricks, Tiles, common Slates, Fireclay, Charcoal, Bats, Copper, Tin, Lead, and other Ores, *per* Ton *per* Mile One Penny Halfpenny:

Class 9. For all Sugar, Grain, Corn, Flour, Potatoes, Guano and artificial Manures, Hides dried or salted, Dyewoods, Timber, Staves and Deals, Metals (except Iron), Tinned Plates, Nails, Anvils, Vices, Hoop Iron, Sheet Iron, and Chains, *per* Ton *per* Mile Twopence:

Class 10. For Lace, Furs, Silk, Drapery, Millinery, China, Glass, Cotton, Wool, manufactured Goods, Drugs, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence:

For Carriages.

With respect to the Conveyance of Carriages:

Class 11. For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, if having more than Two Wheels, *per* Mile Fourpence, and if having only Two Wheels, *per* Mile Threepence; and for every additional Quarter of a Ton up to Four Tons which any such Carriage weighs, One Penny *per* Mile in addition

addition if such Carriage have more than Two Wheels, and Three Farthings *per* Mile in addition if the same have only Two Wheels.

For Carriages, &c.

31. For Carriages, Trucks, and Platforms supplied by the Company the Company may (in addition to the other Tolls by this Act authorized) demand and take for or in respect of Goods, Articles, Matters or Things, Persons or Animals, comprised in either of the Classes herein-before specified any Tolls not exceeding the Tolls next herein-after mentioned in connexion with the Class in which such Goods, Articles, Matters or Things, Persons or Animals, are respectively comprised; (to wit,)

For Class 1, for each Person, *per* Mile One Penny:
For Class 2, for each Person, *per* Mile Three Farthings:
For Class 3, for each Person, *per* Mile One Halfpenny:
For Class 4, for each Animal, *per* Mile One Penny:
For Class 5, for each Animal, *per* Mile One Penny:
For Class 6, for each Animal, *per* Mile One Halfpenny:
For Class 7, *per* Ton *per* Mile One Halfpenny:
For Class 8, *per* Ton *per* Mile One Halfpenny:
For Class 9, *per* Ton *per* Mile Three Farthings:
For Class 10, *per* Ton *per* Mile One Penny:
For Class 11, for each Carriage, *per* Mile Twopence.

For propelling Power.

32. With respect to Locomotive Engines and other moving Power supplied by the Company the Company may demand and take, in addition to the other Tolls by this Act authorized, any Tolls not exceeding One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum Charges for Passengers.

33. The maximum Rate of Charges to be made by the Company for the Conveyance of Passengers, including the Tolls for the Use of the Railways and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:
For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:
For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile.

Maximum Charges for Goods and Animals.

34. The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railways and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental

incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

Class 4, for each Animal, Fourpence *per* Mile:

Class 5, for each Animal, Twopence *per* Mile:

Class 6, for every Calf or Pig, One Penny *per* Mile; and for every other small Animal, Three Farthings *per* Mile:

Class 7, One Penny Halfpenny *per* Ton *per* Mile:

Class 8, Twopence *per* Ton *per* Mile:

Class 9, Threepence *per* Ton *per* Mile:

Class 10, Fourpence *per* Ton *per* Mile:

Class 11, for every Carriage, if having more than Two Wheels, and not weighing more than One Ton and a Half, Fivepence, and if having only Two Wheels, Fourpence *per* Mile.

Definition of Terminal Station.

35. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railways which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Regulations as to the Tolls.

36. The following Regulations are applicable to the fixing of the Tolls; (that is to say,)

For Passengers, Animals, or Things conveyed on the Railways for a less Distance than Four Miles the Company may demand Tolls, Fares, and Rates as for Four Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls, Fares, and Rates for Passengers as for One Mile, and for Animals and Things according to the Number of Quarters of a Mile in the Fraction, a Fraction of a Quarter of a Mile being reckoned as a Quarter of a Mile:

For a Fraction of a Ton the Company may demand Tolls and Rates according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Quarter of a Ton the Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Thirteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity:

Where a Waggon for the Carriage of Cattle or Sheep capable of containing Six Oxen or Twenty-five Sheep is engaged by One Person, the Tolls and Rates for the Cattle or Sheep conveyed therein shall not exceed Sixpence a Mile, including Carriage and locomotive Power.

37. With

Rates for small Parcels and single Articles of great Weights.

37. With respect to small Packages and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Company may demand and take the Rates following; (that is to say,)

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

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fivepence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

For any Parcel exceeding Fifty-six Pounds and not exceeding One Hundredweight, Three Shillings; and for every additional One Hundredweight beyond One Hundredweight up to Five Hundredweight, Ninepence:

Provided that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term applies only to single Parcels in separate Packages:

For the Carriage of any single Thing the Weight of which including the Carriage exceeds Four Tons but does not exceed Eight Tons the Company may demand and take any Sum not exceeding Sixpence a Ton a Mile:

For the Carriage of any single Thing the Weight of which with the Carriage exceeds Eight Tons the Company may demand and take any Sum they think fit.

Passengers Luggage.

38. Every Passenger travelling by the Railways may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Eighty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Restriction as to Charges not to apply to Special Trains.

39. The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that is required to run on the Railways, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Things on the Railways.

Company may take increased Charges by Agreement.

40. Nothing in this Act contained shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of the Goods, either with respect to the Conveyance thereof, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Interest not to be paid on Calls paid up.

41. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder

Shareholder on the Amount of Calls made on the Shares held by him: Provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

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

42. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

Not to take Property of the Mersey Board without Consent.

43. Nothing in this Act contained shall empower the Company to take, use, or in any Manner alter or interfere with any of the Docks, Quays, Wharves, Roads, Telegraphs, Lands, and Property of the *Mersey* Docks and Harbour Board, or take, use, or otherwise interfere with any of the Roads, Ways, Tramroads, Watercourses, and Telegraphs belonging to or under the Management or Control of the same Board, or to alter the Level of any public or private Road on which their Property abuts, without their Consent in Writing under the Hand of their Secretary for that Purpose first obtained.

Before interfering with Roads under the Jurisdiction of the Wallasey Local Board Company to submit Plans for Approval, and Works to be constructed to the Satisfaction of Surveyor of Local Board.

44. The Company, before they enter upon, take, use, or in any way interfere with any public Road, Highway, public Footpath, or Quay vested in or under the Jurisdiction or Control of the *Wallasey* Local Board, shall submit to such Local Board the Drawings and Working Plans of any Works to be made, laid down, or constructed in, over, or upon such public Road or Highway, Footpath and Quay respectively, for the Approval of such Local Board, and all such Works shall be so made, laid down, and constructed under the Superintendence and to the reasonable Satisfaction of the Surveyor of the Local Board (whose Expenses in that Behalf shall be paid by the Company), and in such a Manner as to cause the least possible Obstruction or Inconvenience to such Road, Highway, Footpath, or Quay respectively; the Company shall not raise the Level of the Road No. 139, in the Parish of *Wallasey*, on the deposited Plans, beyond the Height shown on the deposited Section of the said Railway, without the Consent of the *Wallasey* Local Board, anything in this Act or any Act incorporated herewith to the contrary thereof notwithstanding.

For Protection of Mr. Vyner's Estate.

45. The following Provisions for the Protection of the Estate of *Robert Vyner* Esquire (who and whose Heirs and Assigns or Successors in Title is and are included in the Expression "Mr. *Vyner*" wherever employed or referred to in this Section) shall be binding on the Company, and full Effect shall be given thereto; (that is to say,)

(A.) The

(A.) The Company shall make the Railway No. 2. so that the centre Line thereof shall be in accordance with the centre Line thereof shown on the Plans deposited for the Purposes of this Act, and shall not at any Point be Southward of the centre Line so shown:

(B.) The Company shall make and shall for ever thereafter maintain in proper Condition and Repair a proper and substantial Bridge over the Railway No. 2. at a Point nearly intermediate between the Points thereon marked respectively on the deposited Plans Three Furlongs and Four Furlongs, with all necessary Approaches, Footways, Fences, Parapets, Drains, and other proper and sufficient Works and Conveniences connected therewith:

(C.) The Company, when thereunto required by Mr. *Vyner*, shall make and shall for ever thereafter maintain in like Manner a proper and substantial Bridge over the Railway No. 1. at such Point as he determines, with all necessary Approaches, Footways, Fences, Parapets, Drains, and other proper and sufficient Works and Conveniences connected therewith:

(D.) The Road over each of those Bridges shall be of not less than Thirty Feet clear Width between the Fences thereof respectively, and the Inclination of the Approach on either Side of each Bridge shall not be steeper than 1 in 30:

(E.) Mr. *Vyner* shall be entitled to and have in perpetuity full, free, and uninterrupted Right of Passage at all Times and for all Purposes over those Two Bridges respectively:

(F.) The Company in making the Railway No. 1. between the Points marked respectively One Mile Four Furlongs and One Mile Six Furlongs on the deposited Plans shall make it so that the centre Line thereof at the Township Boundary, opposite to the Point marked One Mile Five Furlongs on the deposited Plans, shall be Thirty-three Feet Northward of the centre Line at that Point as shown on that Plan, and so that the centre Line thereof between those Points marked respectively One Mile Four Furlongs and One Mile Six Furlongs shall have a regular Curve:

(G.) The Company shall not, without the previous Consent of Mr. *Vyner*, take, use, or enter upon any of the Lands numbered respectively on the deposited Plans (as regards the Railway No. 1.) 203 and 205, and (as regards the Railway No. 2.) 13, 14, 16, 17, 18, 19, and 20:

(H.) In purchasing the *Wallasey Pool* Bridge and Road, including 196 and 204 on Railway No. 1, and No. 15 on Railway No. 2, belonging to the *Wallasey Pool* Bridge Company, the Company shall take the same subject to all the Terms, Conditions, and Provisions in favour of Mr. *Vyner* and others subject to which the *Wallasey Pool* Bridge Company or their Trustees now hold the same, and on the Condition that Mr. *Vyner* shall in the most

ample Manner have, and the Company shall secure to him in perpetuity, the Right to make, maintain, and use for the Passage, in as free and ample a Manner as possible, of all Shipping whatsoever under and through the same, a Swing or Lift Bridge of Sixty Feet clear Span at such Point on the *Wallasey Pool* Bridge Road as Mr. *Vyner* at any Time thinks fit, the Bridge to be made, maintained, and used in accordance with such of those Terms, Conditions, and Provisions as are applicable in that Behalf:

(I.) The Company shall not make any of the Alterations or Diversions of Roads which are shown on the deposited Plans of the Railway No. 1:

(K.) The Company, instead of carrying a new Road (in lieu of the existing Road No. 171, in the Parish of *Wallasey*) over the proposed Railway No. 1, shall cross the Road No. 171 by and with a public level Crossing:

(L.) Mr. *Vyner* shall be entitled to and have in perpetuity full, free, and uninterrupted Right of Passage at all Times and for all Purposes, in as ample a Manner as he now has and enjoys the same, over those Parts of the Road numbered on the deposited Plans 171, in the Parish of *Wallasey*, which respectively lie more than Thirty-three Feet North-eastward of the centre Line of the Railway No. 1, as shown on the deposited Plans, where it crosses that Road, and more than Sixty-six Feet South-westward of that centre Line where it crosses that Road:

(M.) The Company shall make and shall for ever thereafter maintain such and so many convenient Sidings or Branch Railways on the Lands of Mr. *Vyner* adjoining and near to the Three Railways respectively, and communicating therewith, at such Points as he from Time to Time determines and requires, which Sidings or Branch Railways shall be open and available at all Times to Mr. *Vyner* for the Passage of Traffic to and from the Railways respectively and his Lands: Provided that the Sidings or Branch Railways shall be subject to the Provisions of Section 76 of the "Railways Clauses Consolidation Act, 1845:"

(N.) The Company shall make and shall for ever thereafter maintain such and so many level Crossings, not exceeding altogether Seventeen in Number, over, and Culverts and Drains under, adjoining, or alongside of, and other Accommodation Works connected with, the Three Railways respectively, for the Accommodation and convenient Occupation of the Lands of Mr. *Vyner* adjoining and near to the Three Railways respectively, at such Places and in such Manner as he from Time to Time determines and requires; and the level Crossings shall be open and available at all Times to Mr. *Vyner*, subject only to the necessary and reasonable Control of the Company for securing the Safety of the Public,

Public, and the due carrying on of the Traffic of the Three Railways respectively:

(O.) The Company shall make and shall for ever thereafter maintain and keep open the following Stations, with all convenient Buildings, Wharves, Warehouses, and Places for the Accommodation of Passengers, and for receiving, depositing, and unloading Goods to be conveyed on the Three Railways respectively; (that is to say,)

First, a Station at the Junction of the Three Railways to be called "the *Bidston* Station;"

Secondly, a Station on the Railway No. 1, at the Pieces of Land numbered on the deposited Plans 178 and 179, or One of them, to be called "the *Poulton* Station;"

Thirdly, a Station on the Railway No. 3, on One or more of the Pieces of Land numbered respectively on the deposited Plans 49, 50, and 53, to be called "the *Moreton* Station;"

And at those Stations respectively all ordinary Passengers and Goods Trains shall stop and take up and discharge Passengers and Goods and other Traffic:

(P.) The Opening of 60 Feet Span, shown on the deposited Section of the Railway No. 1, at the Point at which that Railway crosses *Wallasey Pool*, shall be made by means of a Swing or Lift Bridge of 60 Feet Span, and the Centre of the Opening Bridge shall be immediately over the Centre of the navigable Channel or Canal within *Bidston* lately made by Mr. *Vyner*, and he shall be entitled to and have in perpetuity full, free, and uninterrupted Right of Passage at all Times for all Shipping whatsoever under and through the Bridge in as free and ample a Manner as possible:

(Q.) If and when Mr. *Vyner* so requires the Company shall make and shall for ever thereafter maintain under the Railway No. 1, in the Pieces of Land numbered on the deposited Plans 15 and 16 in the Township of *Bidston*, or One of them, for the Accommodation of Mr. *Vyner*, One additional Swing or Lift Bridge of the like Dimensions and Span and to be constructed in the same Manner as the Bridge mentioned in the last preceding Provision, and so as to enable him to carry any navigable Canal, Dock, or other like Work under that Railway, and he shall be entitled to and have in perpetuity full, free, and uninterrupted Right of Passage at all Times for all Shipping whatsoever under and through the Bridge in as free and ample a Manner as possible:

(R.) The several Provisions B, C, D, M, N, O, P, and Q respectively of this Section shall be performed and observed by the Company to the reasonable Satisfaction in all respects of Mr. *Vyner* or his Engineer.

46. Nothing

Railways not exempt from Provisions of present and future General Acts.

46. Nothing in this Act shall exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or the Rates for small Parcels by this Act authorized.

Expenses of Act.

47. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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