ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxxxvii.

An Act for making a Railway from *Parkgate* in the Parish of *Great Neston* in the County of *Chester* to join the *Chester and Birkenhead* Railway in the Parish of *Bebbington* in the same County.

[9th *July* 1847.]

WHEREAS the Construction of a Railway from *Parkgate* in the Parish of *Great Neston* in the County of *Chester* to join the *Chester and Birkenhead* Railway in the Parish of *Bebbington* in the said County of *Chester* would be of great public and local Advantage: And whereas the Persons herein-after named are willing, at their own Expence, to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts following, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands

8 & 9 Vict. cc. 16., 18., and 20. in-

corporated with this Act.

Lands Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, and the Provisions of the said several Acts shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with the Provisions of this Act, or are herein-after declared not to extend thereto.

Short Title.

II. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Parkgate* Railway, 1847."

Subscribers incorporated.

III. And be it enacted, That the Honourable *Edward Mostyn Lloyd Mostyn* Member of Parliament, *Llewellyn Lloyd* Esquire, and *Cynric Lloyd* Esquire, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from *Parkgate* in the Parish of *Great Neston* in the County of *Chester* to join the *Chester and Birkenhead* Railway in the Parish of *Bebbington* in the same County, with proper Works and Conveniences belonging thereto, according to the Provisions of the several Acts incorporated herewith and of this Act, and for other the Purposes herein and in the several Acts incorporated herewith and of this Act, and for other the Purposes herein and in the several Acts incorporated herewith contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Parkgate and Chester and Birkenhead* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the several Acts incorporated herewith contained.

Capital.

IV. And whereas the estimated Expence of making the intended Railway and Works is Fifty thousand Pounds; be it therefore enacted, That the Capital of the Company shall be Fifty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Five thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Calls shall be the greatest Number in any One Year upon any Share, and Four Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the

whole the Sum of Sixteen thousand six hundred and sixty-six Pounds Thirteen Shillings and Four-pence, but no Part of such Sum shall be borrowed until the whole of the Capital or Sum of Fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Interest not to be paid on Calls paid up.

VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised 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 Company 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 Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

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

First and other General Meetings.

X. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Three 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 *July* and *January*, and the first of such Ordinary half-yearly Meetings shall be held in *January* One thousand eight hundred and forty-eight; and all Meetings, whether ordinary or extraordinary, shall be held in *London* or *Chester*, as may be appointed by the Directors for the Time being.

Quorum of General Meetings.

XI. And be it enacted, That the Quorum for every General Meeting of the Company shall be Three or more Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XII. And be it enacted, That the Number of Directors shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to vary the Number of Directors.

XIII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased

creased Number do not exceed Seven, and that the reduced Number be not less than Three.

First Directors.

XIV. And be it enacted, That the Honourable *Edward Mostyn Lloyd Mostyn* Member of Parliament, *Llewellyn Lloyd* Esquire, and *Cynric Lloyd* Esquire shall be the first Directors of the Company.

Directors hereby appointed to remain in Office until first Meeting held after Act passed.

XV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of the Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, 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 Directors appointed by this Act being eligible as Members of such new Body.

Quorum of Directors.

XVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three or more than Five, and the Quorum for every such Committee shall be Three.

Number of Shareholders to convene Extraordinary Meetings.

XVIII. And be it enacted, That the Number of Shareholders who shall be competent to require the Directors to call an Extraordinary Meeting of the Company, or who in default thereof shall be competent to call such Meeting, shall be Three holding in the aggregate not less than One Twentieth Part of the Capital of the Company.

Newspapers for Insertion of Advertisements.

XIX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be published in *London* and *Chester*.

Power to make Railway according to deposited Plans.

XX. And whereas Plans and Sections of the Railway shewing the Line and Level thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace of the County of *Chester*; be it enacted, That, subject to the Provisions in this Act and the Acts incorporated herewith, or any of them, contained, it shall be lawful for the Company to make and maintain the Railway and Works in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, with such Deviations as are in the said Railways Clauses Consolidation Act mentioned, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

XXI. And

As to the Junction with the Chester and Birkenhead Railway.

XXI. And be it enacted, That the Junction of the said intended Railway with the *Chester and Birkenhead* Railway, and all such Openings in the Ledges or Flanches of the *Chester and Birkenhead* Railway as may be necessary or convenient for effecting such Junction, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the *Chester and Birkenhead* Railway Company.

Lands for extraordinary Purposes.

XXII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres.

Compulsory Purchase of Lands limited.

XXIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXIV. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act or the Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Tolls.

XXV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed upon the Railway, as follows:

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, and all other similar Descriptions of Iron, Limestone, Lime, Bricks, Sand, Fire-clay, Cinders, Slag, and Stone, *per* Ton *per* Mile One Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, Clay (except Fire-clay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Two-pence:

And 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 not belonging to the Company, *per* Mile not exceeding Sixpence; and a like Sum of Two-pence *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

Tolls for Passengers and Cattle.

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

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Farthing.

Tolls for propelling Power.

XXVI. And be it enacted, That the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, by the ordinary Trains, in addition to the several other Tolls or Sums by this Act authorized to be taken, except where the said Company may be required to carry such Passengers, Animals, or Goods at a greater Rate of Speed than the ordinary Rate of conveying the same on the Railway by the said Trains respectively, or with a less Load than may be the full Load of any such Engine so to be employed: Provided always, that nothing herein-before contained shall extend to any Case in which any special or extra Train may be required and allowed by the said Company.

Regulations as to Tolls.

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

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

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

Passengers Luggage.

XXVIII. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Charges.

XXIX. Provided always, and be it enacted, That the maximum Charges to be made by the Company in respect of all the Tolls and Charges herein mentioned shall not exceed for First-class Passengers (except those carried by Special or Express Trains) the Sum of Two-pence Halfpenny *per* Mile, and for Second-class Passengers the Sum of Two-pence *per* Mile, and for Third-class Passengers the Sum of One Penny *per* Mile, and for Beasts of Draught Four-pence *per* Mile, for Oxen and other Cattle Three-pence *per* Mile, and for Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, and all other similar Descriptions of Iron, Limestone, Lime, Bricks, Sand, Fire-clay, Cinders, Slag, and Stone, One Penny *per* Ton *per* Mile.

Company may take increased Charges by Agreement.

XXX. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any special Service performed by the said Company in relation thereto, and also any Sum by way of Pontage, Toll, or otherwise which may be authorized by any Act of Parliament already passed or to be passed in the present Session of Parliament in consideration of the Construction of any Bridge or other important Work which, under or by virtue of any such other Act and this Act, or either of them, will or may hereafter devolve upon or belong to the Company hereby incorporated.

Railway to be leased to the Chester and Birkenhead Railway Company.

XXXI. And be it enacted, That on the Completion of the Works of the Railway the Company hereby incorporated shall and they are hereby empowered to grant to the *Chester and Birkenhead* Railway Company a Lease in perpetuity or for Years of the Railway hereby authorized to be made at such Rent, and upon such Terms and Conditions, and subject to such Powers and Provisoes, as the said Companies may agree upon, subject to the Provisions herein contained: Provided always, that no such Agreement shall be binding upon the Shareholders of either Company until the same is approved of

at a special Meeting of the Shareholders of each such Company respectively duly convened for that Purpose, and unless Three Fifths of the Number of Shares represented at such Meeting should approve thereof.

Power of Sale to the Chester and Birkenhead Railway Company.

XXXII. And be it enacted, That it shall be lawful for the Company hereby incorporated at any Time hereafter, with the Authority of the Owners of Three Fifths of the Shares therein which may be represented, either personally or by Proxy, at some Ordinary or Extraordinary Meeting of the said Company, (Notice to that Effect having been given in the Advertisement calling such Meeting,) to sell to the *Chester and Birkenhead* Railway Company the Railway by this Act authorized to be made on such Terms and Conditions as may be agreed upon for that Purpose, or take and hold Shares therein.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XXXIII. Provided always, and be it enacted, That it shall not be lawful for the said *Parkgate and Chester and Birkenhead Junction* Railway Company by virtue of the Power herein-before contained to sell, demise, or lease to the said *Chester and Birkenhead* Railway Company the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Sale or Lease, that One Half of the whole Amount of Capital, exclusive of Loans, by the Act or Acts relating to the said Companies authorized to be raised has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Company not to take Property of Chester and Birkenhead Railway Company, or interfere with their Railway or Works.

XXXIV. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the *Parkgate and Chester and Birkenhead* Railway Company, or for any other Company, or for any Person, under or in execution of this Act, or for any other Purpose, or in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *Chester and Birkenhead* Railway Company, or which they have Power to take under their Acts of Parliament, or in any Manner to alter, vary, or interfere with the said *Chester and Birkenhead* Railway, or any of the Works appertaining thereto, without the previous Consent in Writing on each Occasion of the said *Chester and Birkenhead* Railway Company.

Saving Rights of the Chester and Birkenhead Railway Company.

XXXV. And be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Chester and Birkenhead* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved not only as against the *Parkgate and Chester and Birkenhead* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

XXXVI. And

Saving the Rights of the Crown.

XXXVI. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Mortgages, Transfers, &c. to be stamped.

XXXVII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98, 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or any succeeding Sessions of Parliament, and for other Purposes relating to Railways;* and another Act was passed in the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

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

XXXIX. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway or the Company from the Provisions of any general Act relating to the Acts incorporated therewith which may pass during the present Session of Parliament, or any general Act relating to Railways which may pass during the present or any future Session of Parliament, or from any future

future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.