ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xxi.

An Act to enable the *St. Helen's* and *Runcorn Gap* Railway Company to raise a further Sum of Money, and for amending the Provisions of the several Acts relating to such Railway.

[11th *June* 1838.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Railway from the* Cowley Hill *Colliery* 11G.4.c.61.
in the Parish of Prescot *to* Runcorn Gap *in the same Parish (with several Branches therefrom), all in the County Palatine of* Lancaster, *and for constructing a Wet Dock at the Termination of the said Railway at* Runcorn Gap *aforesaid*, the *Saint Helen's* and *Runcorn Gap* Railway Company was incorporated, and authorized to make and maintain the said Railway, and the Dock and Works connected therewith; and for the Purposes of such Act to raise by Subscription among themselves the Sum of One hundred and twenty thousand Pounds, and on Loan and Credit of the said Undertaking a further Sum not exceeding Thirty thousand Pounds: And whereas by another Act passed in the Fourth Year of the Reign of His late Majesty King 4&5W.4.c.3.
William the Fourth, intituled *An Act to enlarge and amend the Powers*

and Provisions of an Act relating to the Saint Helen's *and* Runcorn Gap *Railway Company*, the said Company were authorized to raise by way of Loan at Interest, to be secured by Mortgages of the said Railway and Works, and of the Rates and Tolls thereof, a further Sum of Forty thousand Pounds: And whereas the said Sum of One hundred and twenty thousand Pounds was duly subscribed for in Shares of One hundred Pounds each; and the said Company also borrowed on Mortgage of the said Undertaking the whole of the said Sums of Thirty thousand Pounds and Forty thousand Pounds, making together the Sum of Seventy thousand Pounds: And whereas the said Railway has been opened to the Public, and the same, with the Works connected therewith, are completed, but with One Line of Rails only, along the greater Portion of the said Railway: And whereas it would be of public Advantage, and tend greatly to the diminishing of Accidents on the said Railway, if the same was completed with a double Line of Rails the whole Length of the said Road; and it is expedient that Power should be granted to the said Company for raising an additional Sum of Money for the Purpose of making and completing such double Line, and for other the Purposes connected with the said Railway: And whereas it is expedient that some of the Powers and Provisions contained in the said recited Acts should be altered, amended, and enlarged, and that further Powers should be given to the said Company: And whereas the Purposes aforesaid cannot be accomplished 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 the said several Acts herein-before recited or mentioned, and all the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Regulations, Clauses, Matters, and Things therein respectively contained, shall (except so far as the same or any of them have heretofore been, or by this Act is or are, varied, altered, or repealed,) be good, valid, applicable, and effectual for carrying this Act into execution.

Powers of recited Acts to extend to this Act.

Power to raise Money by the Creation of new Shares.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of Thirty thousand Pounds, and for that Purpose to issue such and so many distinct and integral Shares, of such Value and Amount as the said Company shall think convenient, and as will allow a proper Proportion thereof to be appropriated to the then Proprietors of Shares in the said Undertaking respectively, according to their respective Interests in the Joint Stock of the said Company; and the same shall be offered to then Proprietors of Shares in the said Undertaking in equal Proportions according to the Amount of original Capital Stock held by them respectively therein, and the same shall vest in and belong to such of the then Proprietors of Shares as shall accept the

same; and shall pay the Value and Amount thereof to the said Company at such Times and in such Manner as the same shall be called for by the Directors for the Time being of the said Company; and in case any of the Proprietors of Shares in the said Undertaking shall refuse or neglect, for the Space of One Calendar Month next after an Offer of the same in Writing, signed by the Clerk or Treasurer of the said Company, shall have been given or sent by the Post to them, or shall have been left at their last or usual known Places of Abode respectively, to signify their Acceptance of the Shares so to be appropriated to them, or their Consent to pay the full Value or Amount thereof respectively to the said Company when called for as aforesaid, then and in every such Case it shall be lawful for the said Company, or for the Directors thereof, and they are hereby empowered, to sell and dispose of such Shares in manner herein-after mentioned.

Shares refused by Proprietors may be sold at reduced Prices.

III. And be it further enacted, That if any of the Proprietors of Shares in the said Undertaking shall refuse or neglect as aforesaid to accept the Shares so to be appropriated to them, it shall be lawful for the Directors for the Time being of the said Company, if they shall think it expedient so to do, to fix a Price, being not less than One Half the Sum at which they shall have been originally appropriated as aforesaid, at which such Shares may be sold; and such Shares shall in the first instance be offered at the Price so to be fixed to such of the Proprietors of Shares in the said Undertaking (if any) as shall have accepted the Shares so to be appropriated to them as aforesaid, and shall have agreed to pay the full nominal Value or Amount thereof to the said Company as aforesaid, in proportion to the Number of Shares which they shall respectively hold in the said Undertaking at the Time of such Offer being made, or as near thereto as may be; and in case of any such Proprietors as last mentioned shall refuse or neglect, for the Space of One Calendar Month next after an Offer in Writing of such Shares at such fixed Price, signed by the Clerk or Treasurer of the said Company, shall have been given or sent by the Post to them, or shall have been left at their last or usual known Places of Abode respectively, to accept the Shares so offered to them at such reduced Price, it shall be lawful for the Directors for the Time being of the said Company to sell and dispose of such Shares as shall not be so accepted at last aforesaid unto such Parties as may be willing to become and shall become Subscribers to and Proprietors of the same, for such Sum or Sums of Money as the said Directors may be able to obtain for the same.

Power to create new Shares for paying off Debt either under this Act or recited Acts.

IV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by any Order of any General or Special General Meeting of the said Company as aforesaid, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or by such other Ways or Means as are herein-after mentioned, not only the Whole or such Part of the said Sum of Thirty thousand Pounds herein-before mentioned as to them shall seem expedient, but also any further or additional Sum of Money to enable the said Company to pay off the Sums already borrowed under the Powers of the said recited Acts, or to be hereafter borrowed by the said Company under the Powers of this

this Act, or any Part of such Monies, not exceeding in the whole the Amount which shall at such Time or Times remain unpaid of the several Sums so borrowed or to be borrowed as aforesaid; and the Amount of the Money so to be raised from Time to Time shall be divided into distinct and integral Shares of such Value and Amount as will allow a proper Proportion thereof to be appropriated to the then Proprietors of Shares in the said Undertaking, and the same shall be offered to the then Proprietors of Shares in the same, or to such Persons as may be willing to become and shall become Subscribers to and Proprietors of the same, in such Manner in every respect as is herein-before provided with respect to the Shares to be created for raising the said Sum of Thirty thousand Pounds, or any Part thereof.

New Shares to become Personal Estate.

V. And be it further enacted, That every new Share in the said Undertaking which shall from Time to Time be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be deemed transmissible and transferrable as such; and all Persons who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Value and Amount of such Shares so by them possessed, as beneficially as the Proprietors of any other Shares in the said Uudertaking, but in the Proportion, nevertheless, which the Value and Amount of the Shares so to be from Time to Time created as aforesaid may have and bear to the Value and Amount of the other Shares respectively by the said first-recited Act created, and under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Matters, and Things contained in the said Two several recited Acts (except so far as the same are by this Act varied or altered) and in this Act relating to Shares in the said Undertaking; and all such Persons as aforesaid shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company.

Directing how Proprietors of new Shares shall vote.

VI. And be it further enacted, That every Person who shall by virtue of this Act have subscribed for and become entitled to Shares in the said Undertaking shall be allowed to vote in respect of such Shares, either in Person or by Proxy, at the several Meetings of the said Company, and shall have One Vote for every One hundred Pounds Capital Stock of the said Company which may be created by virtue of this Act for which he shall have subscribed, and which may be held by him, in the same Manner, and subject to the same Stipulations, Provisions, Restrictions, and Limitations, as is or are mentioned or contained in the said first-recited Act with respect to the Right of voting by the Proprietors of original Shares in the said Undertaking.

Directors not personally answerable for Acts legally done as Directors.

VII. And be it further enacted, That no Director of the said Company shall by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, any Contract, Agreement, or other Instrument for

for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by the said recited Acts or by this Act, be subject or liable to be sued, prosecuted, or impleaded by any Person whomsoever in any Court of Law or Equity or elsewhere, nor shall the Body, Goods, Chattels, or Lands of any Director of the said Company, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by him, or by reason or in consequence of any other lawful Act which shall be done by him in the Execution of any of the Powers and Authorities given to the said Directors by the said recited Acts or this Act, be liable to be arrested, seized, detained, or taken in execution, but that in every such Case any Person making any Claim or Demand upon the said Company, or upon any Director thereof, under or by virtue of any such Contract or Instrument, or of any other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

Proprietors to be liable to the Amount of their unpaid Calls.

VIII. Provided always, and be it further enacted, That in case Execution upon any Judgment, Order, or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiffs or Defendants, shall have been issued or taken out against the Lands, Property, or Funds of the said Company, and no sufficient Land, Property, or Funds can be found whereon to levy or execute the same, then and in such Case Execution upon any such Judgment, Order, or Decree may be issued against any Proprietor or Proprietors of the said Company, after Leave for that Purpose by the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, which Leave shall be applied for upon Motion to be made in open Court, after Notice in Writing given to the Person or Persons sought to be charged, but nevertheless so as that no such Proprietor shall thereby be made responsible or liable for or be called upon or compelled to pay any greater Sum of Money than the Amount of his unpaid Capital or Calls in the said Undertaking, after deducting all previous Payments which may have been made under or in consequence of any other Judgment, Decree, or Execution; and every Proprietor who shall be called upon or required to pay any Sum of Money by means of any such Execution beyond the Amount (if any) then due from him in respect of Calls then made and payable shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Rules for the Interpretation of this Act.

IX. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; unless in any of the Cases aforesaid

it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

As to the Payment of the Expences of this Act.

X. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the said Company out of the Monies received or to be received by them under the Authority of the said recited Acts and of this Act, or any of them, in preference to any other Payment.

Public Act.

XI. And be it further enacted, that this Act shall be deemed a Public Act, and shall be judicially noticed as such by all Judges, Justices, and others.

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