ANNO DECIMO & UNDECIMO.

VICTORIÆ REGINÆ.

****

*Cap.*cclxxi.

An Act to enable the *Saint Helen*'s Canal and Railway Company to make Branch Railways to *Warrington* and to *Blackbrook*, and to make certain Alterations in their Railway, and also to take a Lease of the *Rainford* Branch of the *London and North-western* Railway.

[22d *July* 1847.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Acts relating to the* Sankey Brook *Navigation in the County of* Lancaster, *and to make a navigable Canal from the said Navigation at* Fidler's Ferry *to communicate with the River* Mersey *at* Widnes Wharf *near* Westbank *in the Township of* Widnes *in the said County:* And whereas another Act was passed in the same Year, intituled *An Act for making a Railway from the* Cowley Hill *Colliery 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:* And whereas Two other Acts of Parliament were passed respectively in the Fourth Year of the Reign of His Majesty King *William* the

11 G. 4. & 1 W. 4. c. 50.

11 G. 4. & 1 W. 4. c. 61.

Fourth and in the First Year of the Reign of Her present Majesty, enlarging the Powers of the *Saint Helen's and Runcorn Gap* Railway Company, and enabling them to raise a further Sum of Money: And whereas another Act was passed in the Ninth Year of the Reign of Her said present Majesty, intituled *An Act for uniting the* Sankey Brook *Navigation with the* Saint Helen's and Runcorn Gap *Railway, and for other Purposes*, whereby the Proprietors of the said *Sankey Brook* Navigation and the said *Saint Helen's and Runcorn Gap* Railway Company were united into One Company under the Name of "The *Saint Helen's* Canal and Railway Company:" And whereas another Act was passed in the last Session of Parliament, called "The *Saint Helen's* Canal and Railway Act, 1846:" And whereas there are upon the Line of the *Saint Helen's* Railway Two Inclined Planes, one of which is worked by Stationary Engines, and the other by self-acting Machinery, which entail great Expence upon the Company and Delay in the Traffic of the said Railway: And whereas the Alterations herein-after described in the Line and Levels of certain Parts of the said Railway, and the making of Branch Railways therefrom to *Warrington* and *Blackbrook*, and the Construction of a certain other short connecting or Branch Line of Railway, would be of great public Advantage: And whereas the *Saint Helen's* Canal and Railway Company are willing, at their own Expence, to make such Alterations in the Line and Levels of their Railway, and to make such new Lines of Railway: And whereas it is expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but the Purposes aforesaid 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 all the Provisions, Matters, and Things contained in the *Saint Helen's* Canal and Railway Act, 1846, and in the Enactments incorporated therewith, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

8 & 9 Vict. c. 117.

9 & 10 Vict. c. 183.

Powers of Saint Helen's Canal and Railway Act, 1846, extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *Saint Helen's* Canal and Railway Act, 1847."

Railway to be made according to deposited Plans.

III. And whereas Plans and Sections of the said Alterations and new Lines of Railway by this Act authorized, showing the Line and Levels 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 are intended to pass, have been deposited with the Clerk of the Peace for the County of *Lancaster*; be it enacted, That, subject to the Provisions in this Act and the recited Act contained, it shall be lawful for the Company to make the said Alterations in the Line and Levels of their Railway,

and to make and maintain the said new Lines of Railway and Works connected therewith in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Company not to take Land of Sir J. Gerard, Baronet, without his Consent.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said *Saint Helen*'s Canal and Railway Company to take or enter upon any of the Lands or Grounds now belonging to or claimed to belong to Sir *John Gerard* of *Newhall* in the County of *Lancaster*, Baronet, or to alter or interfere with the same, without the Consent in Writing of the said Sir *John Gerard*, his Heirs or Assigns, in every Instance for that Purpose first had and obtained.

No Side Cuttings or Spoil Banks to be made on Land of Sir R. Brooke.

V. And be it enacted, That no Side Cuttings or Spoil Banks shall be made on the Lands in the Parish of *Cuerdley*, belonging to or claimed to belong to Sir *Richard Brooke* Baronet, his Heirs or Assigns, nor shall any Materials for making the Railway be taken therefrom, without his or their Consent in Writing; and that any Lands of the said Sir *Richard Brooke*, his Heirs or Assigns, which shall be used by the said Company for Side Cuttings or Spoil Banks, shall be sloped, resoiled, or resodded in a proper and workmanlike Manner, at the Expence of the said Company, under and according to the Directions of the Agent or Surveyor of the said Sir *Richard Brooke*, and the Possession thereof shall revert to the said Sir *Richard Brooke*, his Heirs and Assigns, in whom, subject to the respective Purposes for which they respectively are for the Time being used, shall continue the Right and Property in the Soil thereof, and the Burden of maintaining the Banks in repair, and all Liability on account of Damage done by means of any Fall of the Soil thereof or other Matter on the said Railway shall be borne by the said Company.

Not to divert Line through such Land, and Land between Railway and Canal to be taken by Company.

VI. And be it enacted, That the said Company shall not, without the Consent in Writing of the said Sir *Richard Brooke*, his Heirs or Assigns, deviate from the Main Line of their said Railway, as laid down on the said deposited Plans, so far as such Line passes through the before-mentioned Lands of the said Sir *Richard Brooke*; and the Company shall, if no such Deviation be made, purchase so much of such Lands as shall lie between the said Railway and the said Company's Canal; but if the said Company shall, with such Consent as aforesaid, make any Deviation from the Main Line, then the Portion of the before-mentioned Land which shall be situate between the said Railway and the said Canal shall either be retained by the said Sir *Richard Brooke*, his Heirs or Assigns, or shall be taken by the Company, at the Option of the said Sir *Richard Brooke*, his Heirs or Assigns.

Accommodation Roads to be provided

VII. And be it enacted, That the said Company shall, at their own Expence, construct and for ever maintain, at such and so many Places as

to the Satisfaction of Sir R. Brooke.

as the said Sir *Richard Brooke* shall determine along the Line of the said Railway where it shall cross or intersect the before-mentioned Lands of the said Sir *Richard Brooke*, proper and sufficient Accommodation Roads between the said Lands on each Side of the Railway for Horses, Cattle, and Carriages, such Roads to be severally made under the Direction of the Agent for the Time being of the said Sir *Richard Brooke*, his Heirs or Assigns.

Roads over Cuerdley Marsh to be reinstated.

VIII. And be it enacted, That wherever the said Railway shall cross any of the present Roads to or Communications with *Cuerdley Marsh* the said Company shall, at their own Expence, make and for ever maintain fit and proper Means of Communication with the said Marsh, and where such last-mentioned Communications are by Roads passing over the said Railway the Elevation or Levels of such Roads respectively shall, if the said Sir *Richard Brooke* requires the same, be not more than One Foot in Thirty Feet.

Drains on Cuerdley Marsh to be cleansed by Company.

IX. And be it enacted, That the said Company shall, at their own Expence, repair or reconstruct, in a good, substantial, and workmanlike Manner, and for ever maintain, under the Direction of the Agent or Surveyor for the Time being of Sir *Richard Brooke*, his Heirs or Assigns, the Walls at the East End of *Cuerdley Marsh*, and place a Flood-paddle in each Wall to prevent the Influx of the tidal Waters, and shall for ever hereafter well and sufficiently cleanse and scour the Back Drains on *Cuerdley Marsh* running parallel with and adjoining the Canal, when and where and as often as requisite; and that if at any Time the said Company shall neglect or refuse to cleanse or scour the same after One Calendar Month's Notice so to do from the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Agent, it shall be lawful for the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Agent, to cause the same to be cleansed or scoured, or so many and such Parts of the said Drains as shall need cleansing or scouring; and that the said Company shall and will from Time to Time bear the Expence thereof, and pay to the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Agent, the Amount which he or they shall expend in or about the same.

Reservation of Rights of J. W. Patten, Esquire, and his Tenants.

X. And whereas the Railway hereby authorized is intended to be constructed through an Archway in the Parish of *Warrington* underneath the *London and North-western* Railway, which Archway gives the Means of Communication between the Lands of *John Wilson Patten* Esquire lying on either Side of the last-named Railway; be it enacted, That in constructing the Railway hereby authorized under the said Archway, and in the immediate Neighbourhood thereof, convenient Means of Communication shall be preserved for the said *John Wilson Patten* or the Owner of the said Lands for the Time being, and for his and their Tenants, and for their Waggons and Cattle: Provided always, that nothing herein contained shall interfere with the Rights and Privileges of the said *John Wilson Patten*, except so far as the same are expressly taken by this Act.

XI. Pro-

XI. Provided also, and be it enacted, That the said Company shall not erect any Station, Watchbox, or other Building within Sight of the Windows of *Bank Hall*, or leave any Waggons or Carriages on the said Line within Sight of the said Mansion for a longer Time than is absolutely requisite for the proper Management of the Traffic of the Line; and a Penalty of Five Pounds shall be paid to the said *John Wilson Patten*, his Heirs or Assigns, for every Hour during which the said Waggons or Carriages shall be so left on the said Line.

Company not to erect a Station or leave any Waggon or Carriage on the Line within Sight of Bank Hall.

XII. And be it enacted, That the said Company shall not be enabled to exercise a Right of Purchase of any Land belonging to the said *John Wilson Patten* within Sight of *Bank Hall*, except so much as may be required for the Formation of the said Line of Railway, without the Consent of the said *John Wilson Patten* or the Owner of *Bank Hall* for the Time being.

Company not to purchase certain Lands without the Consent of J. W. Patten, Esquire.

XIII. And be it enacted, That One of the said Alterations in the Line and Levels of the said Railway shall commence at or near a certain Place called *Clock Face* in the Township of *Bold* in the Parish of *Prescot* in the said County of *Lancaster*, and shall terminate in the Township of *Sutton* in the said Parish at the Point where the *Broad Oak* Branch of such Railway diverges from the Line to *Saint Helen*'s, and the other of such Alterations in the Line and Levels of the said Railway shall commence in the Township of *Bold* in the said Parish of *Prescot* near to and on the North Side of the Boundary between such Township and the Township of *Widnes* in the said Parish, and shall terminate in the said last-named Township near the Point where the said Railway is crossed by a Road called the *Brick House Lane*.

Description of Alterations in Line and Levels.

XIV. And be it enacted, That the said Branch Railway to *Warrington* shall commence by a Junction with the *Saint Helen*'s Railway as authorized by the lastly-recited Act in the Township of *Widnes* in the Parish of *Prescot*, pass thence in or through the several Places of *Widnes*, *Prescot*, *Cuerdley*, *Penketh*, *Great Sankey*, and *Warrington*, all in the said County of *Lancaster*, and terminate at a Street called *Bridge Street* in the said Township and Parish of *Warrington*; a short connecting or Branch Railway, which will be situate wholly in the said Township and Parish of *Warrington* shall be made from the said intended Branch Railway, to form a Junction with the *Birkenhead, Lancashire, and Cheshire Junction* Railway at or near *Bridge Street* aforesaid; and the said Branch Railway to *Blackbrook* shall commence from the said *Broad Oak* Branch at or near where such Branch is crossed by the Road leading from *Parr Stocks* to *Ashton's Green* Colliery, and shall terminate at *Blackbrook* near the Head of the *Blackbrook* Branch of the Canal belonging to the Company, such Branch being situate wholly in the Township of *Parr* in the said Parish of *Prescot*.

Line of Branch Railway.

XV. And be it enacted, That it may be lawful for the Company to construct the said Branch Railways across and upon the Level of the public Roads numbered on the deposited Plans as follows; (that is to say,) the Roads numbered 13 and 14, and 7 and 20, in the Parish

Power to cross certain Roads on a Level.

Parish of *Prescot*, and the Roads numbered 49 and 52 *a* in the Parish of *Warrington*.

Company to erect a Station or Lodge where Roads cross on the Level, and abide by Rules, &c. of Commissioners of Railways.

XVI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Branch Railways shall cross on the Level the before-mentioned Roads; and the said 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 Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every 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.

Lands for extraordinary Purposes.

XVII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Twenty Acres, in addition to the Land which they are authorized by the recited Act to take for such Purposes.

Period within which Lands are to be purchased.

XVIII. 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 the Completion of Works.

XIX. And be it enacted, That the said Alterations hereby authorized and the said Branch Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Regulating the crossing of the London and North-western Railway.

XX. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the Company, for or in the Construction of the Railways hereby authorized at the Points of Intersection of the *London and North-western* Railway in the Parishes of *Prescot* and *Warrington*, in any Manner to interfere with the Railway or Property of the *London and North-western* Railway Company, otherwise than by constructing the altered Line of Railway hereby authorized under the existing Line of the *London and North-western* Railway at the Point in the Parish of *Prescot* fixed for such crossing, according to the said deposited Plans, and by constructing the Branch Railway to *Warrington* hereby authorized within and through the Arch or Tunnel under the said *London and North-western* Railway South of the existing Station of the said *London and North-western* Company in the Parish of *Warrington*; and that neither in the Construction, Maintenance, nor Use of the said altered Branch Line or either of them shall the Traffic of or Passage upon

upon or along the *London and North-western* Railway be in anywise impeded or interrupted.

Provisions in case of Obstruction to North-western Railway.

XXI. And be it enacted, That if by reason of any of the Works by this Act authorized in the Parishes of *Prescot* and *Warrington* respectively, or by any Act or Omission of the said Canal and Railway Company, or any of their Agents or Servants, it shall happen that the *London and North-western* Railway, or the Works connected therewith, shall be so injured or obstructed that the Engines and Carriages passing along the same Railway with their usual and accustomed Loads shall be impeded in their Passage or shall not be able to pass freely along the same, then and in any such Case the said Canal and Railway Company shall pay to the said *London and North-western* Railway Company, as or by way of ascertained Damages, the Sum of Five hundred Pounds for every Twenty-four Hours during which any such Impediment shall continue in the said Parish of *Prescot* or *Warrington* respectively, and so in proportion for any less Time than Twenty-four Hours; and in default of Payment of any such Sum, on Demand made on the said Canal and Railway Company, the *London and North-western* Railway Company may sue for and recover the same, together with full Costs of Suit, against the said Canal and Railway Company, by Action of Debt or on the Case in any of the Superior Courts: Provided always, that nothing herein contained shall extend to prevent the said *London and North-western* Railway Company from recovering against the said Canal and Railway Company any special, further, or other Damage that may be sustained by them on account of any Act or Default of the said Canal and Railway Company in respect of which the said Sum in the Nature of liquidated Damages is hereby imposed or made payable beyond the Amount thereof, and they are hereby authorized to sue for and recover such special, further, or other Damages accordingly.

Company not to interfere with Land or Property of the London and North-western Railway Company.

XXII. And be it enacted, That, notwithstanding any thing in this Act or any of the said recited Acts contained to the contrary, it shall not be lawful for the *Saint Helen*'s Canal and Railway Company, or for any Person on their Behalf, for or in execution of this Act, except as by this Act is specially authorized, either permanently or temporarily to enter upon, take, or use any of the Land or Property of the said *London and North-western* Railway Company, or which they have the Power to purchase, or in any Manner to alter, vary, or interfere with the said *London and North-western* Railway, or any of the Works appertaining thereto.

Regulations as to Communication with other Railways.

XXIII. And be it enacted, That the Junctions hereby authorized to be made with the *Birkenhead, Lancashire, and Cheshire Junction* Railway, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company.

Not to take Lands, &c. of certain

XXIV. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the Company to take or enter upon

Railway Companies, without Consent.

upon any of the Lands or Grounds now belonging to the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and *London and North-western* Railway Company respectively, or to alter, vary, or interfere with their said respective Railways, or any of the Works thereof respectively, further or otherwise than is hereby respectively authorized, without the Consent in Writing of the said Companies respectively in every Instance for that Purpose first had and obtained.

Saving the Rights of certain Companies.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the said *Birkenhead, Lancashire, and Cheshire Junction* Railway Company and the *London and North-western* Railway Company.

Power to raise additional Capital by Creation of new Shares.

XXVI. And whereas the estimated Expence of making the said Alterations and of constructing the said Branch Railways is One hundred and fifty-nine thousand four hundred Pounds; be it enacted, That it shall be lawful for the Company to raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Acts, any further Sum of Money not exceeding in the whole the Sum of One hundred and fifty-nine thousand four hundred Pounds, upon such Terms and in such Manner as may be or as may have been agreed upon at any General Meeting of the Company convened for the Purpose: Provided always, that nothing in the said Agreement or in this Act contained shall authorize the Company to affect the Priority of Dividends secured to the Holders of certain "Preference Shares" created under the Powers of the herein-before recited Act passed in the Ninth Year of Her present Majesty's Reign.

New Shares to be considered same as original Shares.

XXVII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

Dividends on new Shares.

XXVIII. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers of this Act Reference shall he had to any Difference between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XXIX. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of

of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Power to borrow Money on Mortgage.

XXX. And be it enacted, That after the whole of the Sums by this and the recited Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Fifty-three thousand one hundred Pounds in addition to the Sums which they are by the said recited Acts authorized to borrow.

Mortgages, &c. under former Acts to have Priority.

XXXI. Provided always, and be it enacted, That all Mortgages or Bonds already granted under the Powers of the said recited Acts shall have Priority over the Mortgages or Bonds hereby authorized to be granted.

Same Tolls to be taken as on Main Line.

XXXII. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of the said Branch Railways the same Tolls and Charges as they are by the said lastly recited Act authorized to demand and receive for and in respect of the Railways by such Act authorized to be constructed, and that for the Use of the altered Lines of Railway authorized by this Act it shall be lawful for the Company to demand and receive the same Tolls and Charges as they are now empowered to take upon that Part of their Railway in the Stead of which such Alterations are substituted.

Interest not to be paid on Calls paid up.

XXXIII. 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.

XXXIV. 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.

Power to take a Lease of the Rainford Branch of the London and North-western Railway.

XXXV. And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for enabling the* Liverpool and Manchester *Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway*, the *Liverpool and Manchester* Railway Company were (among other things) empowered to construct a Railway from *St. Helen*'s to *Rainford* in the said County of *Lancaster*: And whereas by an Act passed in the same Year the said *Liverpool and Manchester* Railway Company were consolidated with the *Grand Junction* and certain other Railway Companies, and by a subsequent Act passed in the last Session such consolidated Companies were again amalgamated with other Companies, and the same were incorporated under the Name of "The *London and North-western* Railway Company:" And whereas the said Railway from *St. Helen*'s to *Rainford* might very advantageously to the Public be worked by the said *St. Helen*'s Canal and Railway Company: And whereas no Steps have yet been taken towards the Construction of the said Branch Railway; but it hath been agreed between the *London and North-western* Railway Company and the *St. Helen*'s Canal and Railway Company that the same Branch, when constructed, shall be demised to the last-named Company, if the Authority of Parliament is obtained for that Purpose; be it therefore enacted, That it shall be lawful for the *London and North-western* Railway Company, with the Authority of Three Fifths of the Votes of the Shareholders thereof who may be present, either personally or by Proxy, at some Extraordinary Meeting of the Company, to demise or lease the said Railway from *St. Helen*'s to *Rainford*, after the Completion thereof, for such Consideration or annual Rent as they shall think proper or as may have been agreed upon, unto the said *St. Helen*'s Canal and Railway Company, for any Term which shall be agreed upon, and the said *St. Helen*'s Canal and Railway Company are hereby authorized, if they think proper, with the like Authority of the Shareholders thereof, to enter into and accept such Lease; and every such Lease shall be valid and effectual, and shall entitle the said *St. Helen*'s Canal and Railway Company, during the Term therein granted, to the full and free Use and Enjoyment of the said Railway from *St. Helen*'s to *Rainford*, and the Works connected therewith, and during such Term all the Powers, Privileges, and Authorities granted to and which are or might be lawfully held, used, exercised, and enjoyed by the said *London and North-western* Railway Company, or the Directors thereof, or their Officers, Agents, or Servants, shall in like Manner and to the same Extent in all respects apply to and be held, used, exercised and enjoyed by the said *St. Helen*'s Canal and Railway Company, and the Directors thereof, their Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted to or imposed upon the said *London and North-western* Railway Company; and it shall be lawful for the said Companies to make and enter into any such Contract or Agreement for effecting the Purposes aforesaid, and for constructing, working, and using the said Railway and Works, and for the Maintenance and Repair of the same, as they the said Companies may deem advisable; and every such Contract may contain

such

such Covenants, Clauses, Provisoes, and Conditions as the said Companies may mutually agree upon.

Not to exercise Powers of Lease until Half of Capital paid up and expended by both Companies.

XXXVI. Provided always, and be it enacted, That it shall not be lawful for the said *London and North-western* Railway Company, by virtue of the Power herein-before contained, to demise or lease the said Railway from *Saint Helen*'s to *Rainford*, or for the said *Saint Helen*'s Canal and Railway Company to enter into or accept such Lease, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Execution of such Lease, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said Companies authorized to be raised has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

Railway Company to be subject to 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.

XXXVII. 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 the 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 succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Alterations and Branch Railways from the Provisions of the said several Acts respectively, but that such Provision shall be in force in respect of the said Alterations and Branch Railways so far as the same shall be applicable thereto.

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

XXXVIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present 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 authorized by this Act.

Expences of Act.

XXXIX. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company in preference to all other Payments whatsoever.

Interpretation of Act.

XL. And be it enacted, That the Term "the Company" in this Act shall mean "The *St. Helen*'s Canal and Railway Company."

XLI. And

Public Act.

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

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