



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. li.

An Act for amending and enlarging the Powers and Provisions of the several Acts relating to the *Liverpool and Manchester Railway*.

[22d April 1831.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from the Town of Liverpool to the Town of Manchester, with certain Branches therefrom, all in the County of Lancaster*, the several Persons thereby united and made One Body Corporate by the Name and Style of "The *Liverpool and Manchester Railway Company*" were authorized to make and maintain the said Railway or Tramroad in the Lines and Directions described and set forth in a certain Map or Plan and Book of Reference thereof deposited with the Clerk of the Peace of the said County Palatine of *Lancaster*, as in the said Act mentioned: And whereas by Two other Acts, the one passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the Liverpool and Manchester Railway to alter the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating thereto*, and the other passed in the Tenth Year of the same Reign, intituled *An Act for enabling the Liverpool and Manchester Railway Company to make an Alteration in the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating thereto*,

[Local.] 7 T

7 G. 4. c. 49.

9 G. 4. c. 7.

10 G. 4. c. 35.

7 & 8 G. 4.
c. 21.

Powers of
former Acts
applied to
this Act, ex-
cept as herein
altered.

Power to
raise a further
Sum of
Money to
complete the
Railways, &c.

Mode of ap-
propriating
the new
Shares.

thereto, the said Company of Proprietors were authorized and empowered to make such Deviations from or Alterations in the Line of the said Railway by the said first-recited Act authorized to be made as in the Two several Acts now in recital are expressed and specified, and as described in the Two several Plans and Books of Reference thereof, also severally deposited with the said Clerk of the Peace of the said County, as in the said Two last-recited Acts is mentioned: And whereas the said Railway by the said several recited Acts authorized to be made has been opened to the Public; but the same, and the Works connected therewith, are not yet completed and finished: And whereas it is expedient that some of the Powers and Provisions in the said several recited Acts, and also in another Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty, intituled *An Act for amending and enlarging the Powers and Provisions of an Act relating to the Liverpool and Manchester Railway*, should be in part repealed, and in part altered and explained, and that further Powers should be granted: And whereas the several Purposes herein before mentioned cannot be carried into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 said recited Act of the Seventh Year of the Reign of His said late Majesty, and also the said recited Act of the Seventh and Eighth Years of the same Reign, and also the said recited Act of the Ninth Year of the same Reign, and also the said recited Act of the Tenth Year of the same Reign, and all the Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein respectively contained, shall (except so far as the same or any of them is or are varied, altered, or repealed,) be good, valid, applicable, and effectual for carrying this Act into execution.

II. And whereas it is expedient that the said Company should be authorized to raise, by Contribution amongst themselves, or by such other Ways or Means as are herein-after mentioned, a further or additional Sum of Money, to enable them to make, complete, and finish the said Railways and Works, and for other the Purposes in the said several recited Acts and in this Act mentioned; be it therefore further enacted, That it shall be lawful for the said Company to raise, by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, a further Sum of Money not exceeding the Sum of One hundred and fifty-nine thousand three hundred and seventy-five Pounds, the whole to be divided into Six thousand three hundred and seventy-five Shares, of Twenty-five Pounds each Share, and the same to be numbered in regular or arithmetical Progression, whereof the common Excess or Difference shall always be One; and every such Share shall always be distinguished by the Number to be applied to the same.

III. And whereas the Joint Stock of the said Company consists at present of the Sum of Five hundred and ten thousand Pounds, raised under the Powers and Authorities of the said recited Act of the

Seventh

Seventh Year of the Reign of His late Majesty King *George* the Fourth, and divided into Five thousand one hundred Shares of One hundred Pounds each Share, and of the Sum of One hundred and twenty-seven thousand five hundred Pounds, raised under the Powers and Authorities of the said recited Act of the Tenth Year of the same Reign, and divided into Five thousand and one hundred Shares of Twenty-five Pounds each Share: And whereas the aggregate Amount of the said Two several Sums is equal to Six thousand three hundred and seventy-five Shares of One hundred Pounds each Share; be it therefore further enacted, That the said Six thousand three hundred and seventy-five Shares of Twenty-five Pounds each Share, hereby authorized to be created, shall be offered to the several Holders of Shares in the said Undertaking, and appropriated to those who may be willing to accept the same in the Proportions following; that is to say, One of the said Shares of Twenty-five Pounds hereby authorized to be created for every original Share of One hundred Pounds held by such Proprietors respectively therein, and One of such Shares of Twenty-five Pounds hereby created for every Four Shares complete of the Shares of Twenty-five Pounds each created under and by virtue of the Powers and Authorities of the said recited Act of the Tenth Year of the said Reign, held by the said Proprietors respectively in the said Undertaking; and the same Shares hereby created shall be divided amongst and vested in the said several Holders of Shares in the said Undertaking who may be willing to accept the same, their respective Successors, Executors, Administrators and Assigns, in the Proportions aforesaid; and in case any Proprietor of Shares in the said Undertaking shall hold fewer than Four of such Shares of Twenty-five Pounds each created by the said recited Act of the Tenth Year of the said Reign, or shall have a fractional Number left after making up the Number of Four complete, it shall be lawful for the Clerk of the said Company, and he is hereby authorized, to appropriate One of the said Shares of Twenty-five Pounds each hereby authorized to be created unto any Two or more of the said Proprietors who shall hold Four of such Shares created by the said recited Act of the Tenth Year of the said Reign, complete amongst themselves; and such Shares so appropriated by the said Clerk shall be held by the said Proprietors to whom they shall be appropriated as Tenants in Common, and the same shall be entered by the said Clerk in the joint Names of the said Proprietors in the Books of the said Company; and the said Proprietors so holding any of such Shares in Common shall agree amongst themselves whose Name shall stand first in the Books of the said Company, and in case of Disagreement the said Clerk shall and he is hereby authorized to place that Proprietor's Name first who shall hold the greatest Proportion of the said Number of Four Shares created by the said recited Act of the Tenth Year of the said Reign in respect of which the said Appropriation shall have been made; and in case they shall all hold an equal Number, then the said Clerk shall enter that Proprietor's Name first which shall stand first in alphabetical Order; and the said Shares so appropriated to Two or more Proprietors in Common shall be held by them subject to the Provisions and Directions of the said recited Act of the Seventh Year of the Reign of His said late Majesty with respect to the Shares held by Two or more Persons in the said Undertaking.

IV. And

Additional new Shares to be first offered to the present Members of the Company.

IV. And be it further enacted, That the Clerk of the said Company shall and he is hereby required, by Circular Letters, to offer to all the Holders of Shares respectively in the said Undertaking the Proportion of such additional new Shares which the said Holders respectively shall be entitled to take; and in case any or either of the said Holders of Shares shall reject, or, for the Space of One Calendar Month after such Circular Letters shall be delivered or sent by the Post to them respectively, or left at their respective last or usual Places of Abode, fail to accept, their respective Proportions of such additional new Shares, or any Part thereof, then it shall be lawful for the said Company, and they are hereby authorized and empowered, to dispose of such of the said additional new Shares as shall not be accepted, for such Sum or Sums of Money *per Share* as the Company may be able to obtain for the same, unto such Bodies Politic, Corporate, or Collegiate, and other Persons, as may be willing and desirous of becoming and shall become Subscribers to and Proprietors of the same; and any new Share or Shares to be created in pursuance hereof shall be deemed Personal Estate, and shall be transmissible and transferrable as such; and all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall subscribe for and become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking to the Extent of Twenty-five Pounds for every new Share of Twenty-five Pounds so by them severally subscribed for or possessed, as beneficially as the Proprietors of Shares of One hundred Pounds each created by the said recited Act of the Seventh Year of the Reign of His said late Majesty, but in the Proportion nevertheless that Twenty-five Pounds bears to One hundred Pounds, and also as beneficially as Proprietors of Shares of Twenty-five Pounds each created by the said recited Act of the Tenth Year of the Reign of His said late Majesty, and under and subject to all the Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, and Things contained in the said several recited Acts respecting or relating to the said Shares, so far as the same will apply and are not hereby altered or varied; and all such Bodies and Persons aforesaid are united to and incorporated with the said Company.

Proprietors of new Shares to be entitled to their Proportion of Profit.

V. And be it further enacted, That the said Shares of One hundred Pounds each created by the said recited Act of the Seventh Year of the Reign of His said late Majesty, and the said Shares of Twenty-five Pounds each created by the said recited Act of the Tenth Year of the Reign of His said late Majesty, and also the said Shares to be created under and by virtue of the Provisions of this Act, shall, after the Payment of Interest upon the said several Shares pursuant to the said recited Acts, be entitled proportionately to a Share of all the General Profits and Dividends of the said Company, in proportion to the Money paid by the Subscribers in respect of such Shares respectively, without Reference to the particular Objects for which such Shares were respectively created.

Directors empowered

VI. And be it further enacted, That the Directors for the Time being of the said Company shall have Power from Time to Time and

and at any Time or Times hereafter, at their Discretion, to make such Call or Calls for Money from the Subscribers to and Proprietors of the said Shares hereby authorized to be created as they from Time to Time shall find necessary, so that no such Call shall exceed the Sum of Ten Pounds upon each such new Share which any Person shall or may be possessed of or entitled unto in the said Undertaking, and so that no further or additional Call on the said new Shares shall be made until all the Arrears of preceding Calls on the same Shares shall have been collected, or some Proceeding taken either to recover the said Arrears or to declare the Shares of the Persons in arrear as to such Shares only on which there may be Arrears forfeited, and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some Two or more of the Newspapers usually circulated at *Liverpool* and *Manchester* as aforesaid respectively; which Monies so called for shall be paid to such Person and Persons and in such Manner as the Directors of the said Company shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any new or additional Shares in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Directors shall from Time to Time direct and appoint; and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said recited Acts, or any or either of them, for compelling the Payment of Calls with Interest, or for forfeiting the Shares of such Proprietors as shall be in default, shall be as good and valid for carrying this Act into execution as fully and effectually to all Intents and Purposes as if the same had been repeated and re-enacted in the Body of this present Act.

to make Calls
on new
Shares.

VII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every other Person, who shall be possessed of Four Shares complete of Twenty-five Pounds each in the said Undertaking, whether the same be of the Shares created by virtue of the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, or by virtue of this Act, or in part of both, shall, in respect of every Four Shares complete held by them respectively, be entitled to One Vote, but subject nevertheless to all the Stipulations, Provisoes, Restrictions, and Limitations contained in the said recited Act of the Seventh Year of the same Reign with respect to the Right of voting by the Proprietors of original Shares of One hundred Pounds, so that subject thereto Four Shares of Twenty-five Pounds each in the said Undertaking shall be considered as equivalent to and comprising the same Right of voting as One original Share of One hundred Pounds.

Directing
how Sub-
scribers for
new Shares
shall vote.

VIII. And whereas, by the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, the said Company were enabled to purchase, for the Purposes of the said Act, from any Person, Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who should be willing to sell the same,

Power to
purchase
additional
Quantity of
Land for
Warehouses,
&c.

[*Local.*]

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not

not exceeding Twenty Statute Acres of Land in addition to the Land thereby authorized to be purchased, used, or taken for the making and completing the said Railway, subject to the Limitations and Restrictions in the said recited Act contained: And whereas it is expedient that the said Company should be authorized and empowered to purchase more Land for the Purposes aforesaid; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and any other Person or Persons whomsoever (who shall be willing to sell the same), for the Purchase of any Parcel of Land, Messuages, Buildings, or Hereditaments, not exceeding in the whole Thirty Statute Acres (in addition to the said Twenty Statute Acres by the said last-recited Act authorized to be purchased), in such Place or Places as shall be deemed eligible and convenient for the Purpose of making, erecting, forming, and providing Yards, Stairhs, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, and for the Purpose of receiving, lodging, depositing, or keeping Coal, Cattle, Goods, Merchandize, and other Things carried or conveyed, or intended to be carried or conveyed, upon the said Railway, or for making convenient Roads, Avenues, or Ways leading thereto, or for any Purposes whatsoever connected with the said Railway which the said Company shall deem requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in like Manner and Form, and with and subject to the like Powers, Provisions, Limitations, Reservations, and Restrictions (so far as the same will apply), as are mentioned and contained in the said last-recited Act respecting the said Twenty Statute Acres of Land by the same Act authorized to be purchased.

Power to resell any Surplus of such Lands.

IX. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Land or Hereditaments hereby authorized to be purchased, or any Parts thereof, and from Time to Time to purchase other Lands or Hereditaments for the Purposes aforesaid, and again to sell and dispose of the same, or any Part thereof, in like Manner as in the said recited Act of the Seventh Year of the Reign of His late Majesty King George the Fourth, or in the said other recited Acts, or any of them, is or are contained with respect to the said Twenty Statute Acres of Land by the said first-recited Act authorized to be purchased.

Time enlarged for taking Lands.

X. And with a View to the Completion of Contracts for the Purchase of Lands already taken and appropriated for the Purposes of the said Railway, under the Power of the said recited Acts, be it enacted, That the Time by the said recited Acts, or any of them, limited for the taking of Lands for the Purposes of the said Railway shall be extended and enlarged for the further Space or Term of Two Years, to commence and be computed from the passing of this Act: Provided always, that in case such Land shall not have been so taken within

within the said Term of Two Years, then and from thenceforth the Powers by the said recited Acts or by this Act granted for the taking of such Lands shall cease and determine.

XI. And whereas by the said recited Act of the Seventh Year of the Reign of His said late Majesty it was enacted, that the said Company of Proprietors should and they were thereby required, at their own proper Costs and Charges, to make or cause to be made, at convenient Distances along the said Railway, Passing Places or Turn-outs for the Purpose of enabling Waggon, Carts, and other Carriages drawn along the said Railway to pass each other, and that there should not be fewer than Three such Passing Places or Turn-outs in each Mile of the said Railway, and that One of the said Passing Places or Turn-outs should not be further than Thirty Yards to the North of *Ordsal Lane*: And whereas there is no Necessity for so many Passing Places or Turn-outs on a Road having Two Lines of Railway, but on the contrary they are attended with Risk and Danger from occasional Inattention to the proper Adjustment of the Switches; be it therefore enacted, That so much of the said recited Act as enacts that the said Company shall, at their own Costs and Charges, make or cause to be made, at convenient Distances along the said Railway or Tramroad, Passing Places or Turn-outs for the Purpose of enabling Waggon, Carts, and other Carriages drawn along the said Railway or Tramroad to pass each other, and that there shall not be fewer than Three such Passing Places or Turn-outs in a Mile, and that One of such Passing Places or Turn-outs shall not be more than Thirty Yards to the North of *Ordsal Lane*, shall be and is hereby repealed.

Repealing Clause directing Passing Places to be made.

XII. And whereas it might tend to the greater Safety of the Public if, in certain Cases, Roads, which are now crossed by the said Railway on a Level, were carried over or under the same by means of Bridges or Tunnels; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at their own Expence, to build and erect or make Bridges or Tunnels (to be thereafter kept in repair by the said Company) for the Purpose of carrying any of the several Turnpike or other Roads over or under the said Railway which are at present crossed by the said Railway on a Level, and for that Purpose to divert and alter the Course or Direction of such Roads respectively: Provided always, that in the Case of Turnpike Roads, the same shall only be diverted and altered with the Consent of the Trustees of and subject to the Powers and Authorities contained in the several Acts of Parliament relating to such Turnpike Roads respectively; and that in every Case of a Turnpike Road or public Highway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirty Feet, and in every Case of an Occupation or other Road, the Ascent of every such Bridge shall not be more than One Foot in Twenty Feet, and in every Case a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Power to carry Roads over Railway by means of Bridges, and to divert them for that Purpose.

XIII. Provided also, and be it further enacted, That before any such Road shall be cut through, raised, lowered, or injured for the Purpose

Temporary Roads to be provided.

Purpose of erecting and building any Bridge or of making any Tunnel to carry the same over or under the said Railway, the said Company shall cause a good and sufficient Road to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road to be so cut through, raised, lowered, taken, or injured as aforesaid, or as near thereunto as may be; and where the Road to be cut through, raised, lowered, taken, or injured as aforesaid shall be a Turnpike Road, the said temporary Road shall be made, and the principal Road completed and finished over the said Bridge or under the said Tunnel so to be erected as aforesaid, within Six Calendar Months after the Commencement of the Operation: Provided also, that before the said Company shall make any Diversion or Alteration in the Course or Direction of any such Road, they shall give One Calendar Month's previous Notice in Writing of such their Intention to the Clerk of the Trustees in case of a Turnpike Road, and to the Surveyors of the Highways for the Township in the Case of a public Highway, and to the Owners of the Lands adjoining such intended Diversion or Alteration in case of an Occupation or other Road, together with a Map or Plan of such intended Diversion or Alteration; and in case the several Persons respectively (except the Trustees of Turnpike Roads) and the said Company shall disagree respecting such Diversion or Alteration, then the same shall be referred to the Decision of any Two Justices of the Peace for the County Palatine of *Lancaster*, whose Determination as to such Diversion or Alteration (except in the Case of Turnpike Roads as aforesaid) shall be final; and it shall not be lawful for the said Company thereafter to make any Diversion or Alteration of any such Roads, otherwise than as determined by the said Two Justices; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Allowing Appeal against Order of Justices for Diversion of Turnpike Roads.

XIV. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons who shall think themselves aggrieved by the said Order of any Two or more Justices of the Peace as aforesaid to appeal against such Order at any General or Quarter Sessions of the Peace for the County within which such Road may be situate which shall be held within Four Calendar Months next after the making of the said Order, upon giving Notice in Writing of such Intention to appeal to the said Company, at least Ten Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby empowered and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay to the Party in whose Favour the same shall be determined such Costs as the said Justices shall think reasonable; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided also, that in case no such Appeal shall be made within the Time and in the Manner aforesaid, the said Order shall be final and conclusive on all Parties.

XV. Pro-

XV. Provided always, and be it further enacted, That in case the said Company shall, under the Authority of this Act or any of the said recited Acts, at any Time hereafter build, erect, or make any Bridge or Tunnel for the Purpose of carrying any Road over or under the said Railway, they the said Company shall make and pay to the Owners and Occupiers of any Land that shall be taken for the Purpose or affected thereby Compensation for the Injury or Damage which shall be done or occasioned to the said Land by reason of the making or forming of the Embankment or Excavation necessary for the Approaches to any such Bridge or Tunnel ; and the Amount of such Compensation, in case any of the said several Parties and the said Company shall not agree upon the same, shall be fixed and settled in the Manner prescribed by the said recited Acts for ascertaining the Value of Land purchased by the said Company, and Compensation, and to be recovered in like Manner.

Company to make Compensation for Land required for making Roads, &c.

XVI. And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth it was enacted, that it should be lawful for the Owners or Occupiers of the respective Lands or Grounds lying adjoining or near to the said Railway or Tramroad, not being within the Town of *Liverpool* aforesaid, or any other Person whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons with the Consent of such other Persons, any Collateral Branch or Branches from the respective Lands or Grounds to communicate with the said Railway or Tramroad, and that the said Company should be bound to make, at the Expence of such Owners and Occupiers, such Openings in the Ledges or Flanches of the said Railway or Tramroad as might be necessary or convenient for effecting such Communication : And whereas it is expedient that the Right of such Owners and Occupiers to communicate with the said Railway should be better defined, and made subject to proper Regulations ; be it therefore enacted, That in case any Disagreement or Difference shall arise between any such Owners and Occupiers, or other Persons, and the said Company, as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Three Justices of the Peace for the County Palatine of *Lancaster*, not being Proprietors or Shareholders, whose Determination and Order shall be binding and conclusive, subject to Appeal in the same Manner as is herein-before provided with respect to the Diversion of Roads ; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

In case of Dispute, Justices to decide where Openings in the Ledges of the Railway for the Purpose of Collateral Branches shall be made.

XVII. And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth it was enacted, that it should be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad should be made, and his and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway or Tramroad as should be made in or upon the said Lands or Grounds respectively, and also along and upon the same so far as

Limiting the Right of Land Owners to cross the Railway.

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their

their own Lands should extend, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they should not pass along or upon any other Part of the said Railway or Tramroad; and that it should be lawful for the Occupier or Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad should be made, and his, her, or their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway or Tramroad as far as the Lands in his, her, or their Occupation should extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or obstructing the said Railway or Tramroad, or the Passage thereof: And whereas it might tend to the Safety of the Public if the Right of passing across and along the said Railway should cease, on other proper and convenient Communications being made; be it therefore enacted, That in all Cases where the said Company shall at their own Expence make proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, either by means of Bridges or Culverts, and shall make proper and convenient parallel Roads along the Side of the said Railway from the one of such Communications to another, the Right of the Owners and Occupiers of such Lands or Grounds in which such Communications and parallel Roads shall be made, and of their Servants and Workmen, to pass and repass directly over and across, and also along and upon, and also to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beasts, along and upon the said Railway or any Part thereof, shall thenceforth absolutely cease and determine; and it shall be lawful for the said Company to purchase Land for the Purpose of making such Communications and parallel Roads from any Body or Bodies Politic, Corporate, or Collegiate, or other Persons, being the Owners of adjoining or contiguous Lands, with the Consent of such Bodies or Persons respectively: Provided always, that in case any Difference or Dispute shall arise between any of the Owners or Occupiers of any such Lands or Grounds aforesaid and the said Company, as to the Number, Dimensions, or Sufficiency or Construction of the Bridges or Culverts or parallel Roads which shall have been made by the said Company for the convenient Occupation of the same Lands or Grounds, the same shall be referred to the Decision of any Two Justices of the Peace of the County Palatine of *Lancaster*, who are hereby authorized and empowered to take cognizance of the same, and whose Determination and Order shall be binding and conclusive, subject to Appeal in the same Manner as is herein-before provided with respect to the Diversion of Roads; and the said Company shall and they are hereby required to make such further and additional Bridges, Culverts, and parallel Roads, and of such Size and Dimensions, as the Justices shall direct and appoint; and in case the said Company shall neglect or refuse to make, erect, or put up such Bridges, Culverts, and parallel Roads in such Lands or Grounds as the said Justices shall appoint, or shall neglect or refuse to maintain and keep in repair any Bridges, Culverts, or parallel Roads which they shall have made or erected in any such Lands or Grounds,

it shall be lawful for the said Owners and Occupiers of such Lands or Grounds respectively to make and maintain such Bridges, Culverts, and parallel Roads at the Expence of the said Company.

XVIII. And be it further enacted, That every Person who shall open any Gate communicating with and giving Access to the said Railway from adjoining Lands shall and he is hereby directed to shut and fasten every such Gate as soon as he, and the other Persons, Cattle or other Animals or Things, for the Passage of which such Gate was opened, shall have passed through, and every Person neglecting to do so shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings, to be levied and recovered in manner hereinafter mentioned.

Gates opening upon the Railway to be shut and fastened after Persons have passed through them.

XIX. And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth it was enacted, that the said Company should have full Power and Authority from Time to Time, at any such General or Special Meeting as therein mentioned, to fix and order what Remuneration (if any) should be allowed to the Directors of the said Company, and to make such Rules, Orders, and Bye Laws as to them should seem right and proper for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the major Part of the Proprietors composing such Meeting should seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as therein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published and painted on Boards, was by the said recited Act directed to be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway or Tramroad and Wharfs, and from Time to Time renewed as often as the same or any Part thereof should be obliterated, defaced, or destroyed; and that such Rules, Bye Laws, and Orders should be binding upon and observed by all Parties, and should be sufficient in any Court of Law or Equity to justify all Persons who should act under the same, provided that such Rules, Bye Laws, and Orders were not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in the said Act contained, and that all such Rules, Bye Laws, and Orders should be subject to Appeal in manner therein-after mentioned: And whereas it would be of great Advantage to the said Undertaking, and greatly facilitate the Management and Conduct of the same, if the Directors of the said Company for the Time being were invested with the Power to make Rules, Bye Laws, and Orders for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Superintendence and Management of the said Undertaking; be it therefore further enacted, That the Directors of the said Company

Authorizing Directors to make Bye Laws.

for

for the Time being shall have full Power and Authority from Time to Time to make such Rules, Bye Laws, and Orders for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Regulation of Coaches and Passengers, and for the Prevention of smoking Tobacco or the Commission of any other Nuisance in or upon the said Coaches or any of them, or in any of the Stations of the said Company, and generally for the Superintendence and Management of the said Undertaking in all respects whatsoever, as they may think right and proper, and from Time to Time to alter and repeal such Rules, Bye Laws, and Orders, or any of them, and to make others, and to enforce and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding Five Pounds for any Offence, as to them shall seem meet, which Fines and Forfeitures may be recovered in like Manner as any Penalty imposed by the said Act may be recovered, and shall be applied in manner herein-after mentioned; and such Rules, Bye Laws, and Orders so to be made by the said Directors, when reduced into Writing under the Common Seal of the said Company, and printed and published and painted on Boards, and affixed and continued on Boards in front of the several Toll Houses, and renewed in manner by the said recited Act directed, shall be of as much Force and Efficacy as any Rule, Bye Law, or Order made and promulgated by the said Company at any General or Special Meeting, and shall continue in force until altered or repealed by the Directors for the Time being of the said Company, or by a General or Special Meeting of the said Company, and shall be sufficient in all Courts of Law and Equity to justify all Persons who shall act under the same, provided that such Rules, Bye Laws, and Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in the said recited Acts or in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in the same Manner as provided by the said recited Act: Provided also, that it shall not be lawful for the said Directors to repeal or alter any Rule, Bye Law, or Order that shall be made by any General or Special Meeting of the said Company, nor to fix or order what Remuneration shall be allowed to the Directors of the said Company.

Rules, &c.
authorized to
be made by
7 G. 4. c. 49.
to be pub-
lished before
1 May 1831.

XX. And whereas it was enacted by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Forty-nine, that it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggons or other Carriages, and for or relating to the Power to be used for propelling the same, and also for or relating to the Speed with which they shall travel, and also for loading thereof respectively, passing along or using the said Railway or Tramroad or any Part thereof respectively, and other Works, and also for the Delivery of Goods, Merchandize, and other Matters and Things that shall be carried or conveyed in or upon such Waggons or other Carriages, and generally for using and working such Railway or Tramroad; and all such Rules, Orders, and Regulations shall be submitted to Two Justices of the Peace for the said County of *Lancaster*, and when ratified by the said Two Justices shall be binding upon

upon and be conformed to by the said Company and by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, and by all Persons using or working such Railway or Tramroad, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default; be it further enacted, That the said Rules, Orders, and Regulations, duly ratified as aforesaid, shall be published by the said Company on or before the First Day of *May* next ensuing.

XXI. And whereas it is expedient that so much of the said recited Act of the Seventh Year of the Reign of King *George* the Fourth as enacts that it shall not be lawful for the said Company to carry or continue the said then intended Railway into *Wapping* should be repealed; be it therefore enacted, That the same shall be and is hereby repealed accordingly.

Repealing so much of 7 G. 4. c. 49. as prohibits the Railway continuing to *Wapping*.

XXII. And be it further enacted, That it shall be lawful for the said Company to carry or continue or make the said Railway across the said Street called *Wapping*, upon or by means of a Bridge to be constructed over or a Tunnel under the said Street, the Arch of any such Bridge to be not less than Sixteen Feet high from the Level of the said Street, and the Tunnel to be of such Dimensions, and constructed upon such Plan, and in such Manner as shall be approved of by the Surveyor for the Time being of the Corporation of *Liverpool*: Provided always, that no Railway or Tramroad shall be made or constructed by virtue of this Act on the Level of the said Street without the previous Consent in Writing of the Common Council for the Time being of the Town of *Liverpool* aforesaid, and of the Commissioners for the Time being for executing the Act passed in the last Session of Parliament for the better paving and Sewerage of the Town of *Liverpool* aforesaid, to be signified under the Hands of the Town Clerk and Clerk to the said Commissioners respectively; and that in case such Consent shall be given for making such Railway or Tramroad on the Level of the said Street, the same or any Part thereof shall not be used by the said Company, or any other Person or Persons, for the Passage of Waggons or any other Carriages thereon across the said Street, between the Hours of Six of the Clock in the Morning and Seven in the Afternoon from the First Day of *March* to the Thirtieth Day of *September*, and between the Hours of Eight of the Clock in the Morning and Five in the Afternoon from the First Day of *October* to the last Day of *February*, unless with the like Consent in Writing of the said Common Council and of the said Commissioners, nor in any other Manner than shall be signified in such Consent, and which Consent may at any Time or Times and from Time to Time be revoked by Three Months previous Notice in Writing under the Hand of the Town Clerk for the Time being of the said Corporation, by Direction to the said Common Council, and of the Clerk for the Time being of the said Commissioners, by Direction of the said Commissioners, and again granted by the said Common Council and the said Commissioners, as they may from Time to Time deem expedient and proper; and in case the said Railway or Tramroad so made and constructed on the Level of the said Street shall be used and employed for the Passage of Waggons or other Carriages thereon belonging to the said Company, or traversing the said Street to or from the said Rail-

Railway to be made across *Wapping*, with Consent of Corporation.

[*Local.*]

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way,

way, without such Consent, or after the same shall be so revoked, or contrary to the Manner specified in such Consent, the said Company shall forfeit and pay the Sum of Twenty Pounds for each and every Waggon and other Carriage which shall cross the same Street or any Part thereof; and it shall be lawful for the said Commissioners to order and direct the said Railway or Tramroad to be taken up and removed from the said Street, and the Expence thereof shall be defrayed by the said Company: Provided also, that nothing hereinbefore contained shall extend or be construed to extend to enable the said Company, nor shall it be lawful for them, to bring any locomotive or other Engine upon or across the said Street, or the Railway or Tramroad to be made upon or over or under the same.

For protect-
ing Trustees
of Liverpool
Docks.

XXIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to authorize or enable the said Company, nor shall it be lawful for them, to construct any Works within or upon any of the Quays, Docks, or Basins now made or constructed, or now authorized to be made, under any existing Act or Acts of Parliament, by the Trustees of the *Liverpool Docks*, or into or upon any of the Works erected by the said Trustees, without the Consent of the said Trustees first had and obtained.

Clause in
7 G. 4. c. 49.
as to fixing
the Price for
Parcels under
500 lbs. re-
pealed.

XXIV. And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth it was enacted, that it should be lawful for the said Company from Time to Time, at any General Meeting of the said Company to be held in manner therein mentioned and directed, to make such Orders for ascertaining and fixing the Price or Sum or Sums of Money to be paid, charged, or taken for the Carriage of any Parcel not exceeding Five hundred Pounds Weight upon the said Railway or Tramroad or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates, as to them shall seem meet, fitting, and reasonable: And whereas Doubts have arisen as to the Construction of the said last-recited Clause, and it is expedient that such Doubts should be removed; be it therefore enacted, That the said last-recited Clause shall be and the same is hereby repealed.

Regulating
Charge for
such Parcels.

XXV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for ascertaining and fixing, as well the Price or Sum or Sums of Money to be charged or taken by the said Company as and for Tonnage Rate or Duty, as also the additional Price or Sum or Sums of Money to be charged or taken by any Person or Persons whomsoever for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates as to them shall seem meet, fitting, and reasonable: Provided always, that such Provision as aforesaid shall not relate to Goods and Merchandize sent in large aggregate Quantities, though made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single and individual Parcels, unconnected with other Parcels of a like Nature that may be sent at the same Time.

XXVI. And

XXVI. And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth it was enacted, that the said Company, or the Directors of the said Company, should and they were thereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of the said recited Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or the said Directors, and that at the yearly Meeting of the said Proprietors of the said Undertaking to be from Time to Time holden as therein mentioned, or at some Adjournment thereof, a Dividend should be made out of the clear Profits of the said Undertaking, unless such yearly Meeting should declare otherwise, and such Dividend should be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings should think fit to appoint and determine: And whereas it is expedient that the said Company should be authorized and empowered to make Dividends out of the Nett Profits of the said Undertaking oftener than once in the Year; be it therefore further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time, at a Special General Meeting or Special General Meetings of the said Proprietors to be called for that Purpose, to declare and make a Dividend or any separate Dividends out of the clear Profits of the said Undertaking, or of any Part or Parts thereof, if a Majority of the Proprietors present at such Meeting or Meetings shall think proper so to do; and such Dividend or Dividends shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that no Dividend shall be made exceeding the Nett Amount of clear Profit at the Time being in the Hands of the said Company, or the Directors or Treasurer thereof, nor shall such Dividends be made oftener than quarterly.

XXVII. And be it further enacted, That in the Account by the said recited Act directed to be kept and annually made up and balanced on the Thirty-first Day of *December* in each Year, the several Dividends made during the preceding Year shall be inserted, and at the yearly Meeting of the Proprietors of the said Undertaking by the said recited Act directed to be from Time to Time holden, or at any Adjournment thereof, in case any further Dividend shall be made and declared, the Amount thereof shall be added to the Dividends (if any) which shall have been previously made during the preceding Year, and the aggregate Amount of all the Dividends made during the preceding Year, including the further Dividends (if any) so to be made at such annual Meeting, or at such Adjournment thereof as aforesaid, shall be taken and considered as the annual Dividend of the said Company; and the several Tonnage Rates and Duties by the said recited Act granted shall be regulated and determined by such aggregate Amount of Dividends declared during

Qualifying
Provision in
former Act as
to making up
Accounts of
Dividends.

or

or for the preceding Year, according to the Directions and Provisions of the recited Act, and in the same Manner as the same are directed by the said recited Act to be regulated and determined by the Amount of Dividend declared for the preceding Year, according to the Provisions of the said recited Act: Provided always, that the Certificate directed by the said recited Act to be signed by the Treasurer or Clerk of the said Company, and to be filed with the Clerk of the Peace for the County of *Lancaster*, and the Duplicate thereof, to be inserted in some Newspaper usually circulated in *Liverpool* and *Manchester* respectively, shall be signed, filed, and inserted, and shall state the Amount of each Dividend declared during or for the preceding Year, and also the aggregate Amount of the whole of the said Dividends, and also the Amount of the Rates or Tolls to be collected for the ensuing Year, according to the Directions of the said recited Acts.

Provisions of 10 G. 4. c. 35. as to Dividends of Profits arising from Tonnage Rates, and as to regulating Amount of Tonnage Rates, not to extend to the Carrying Department, &c.

XXVIII. And whereas by the said recited Act of the Tenth Year of the Reign of His late Majesty the said Company were authorized to raise an additional Sum of Money as a Capital to enable them to conduct the Carrying Trade or Department of the said Undertaking; and by the said last-recited Act it was also enacted, that the said Company might and they were thereby empowered to keep separate Accounts of the Profits and Loss to arise from the Carrying Department of the said Undertaking, and to make separate Dividends in respect thereof; and that such Profits and Dividends should not form Part of the Dividends regulating the Reduction of the Tonnage Rates as provided by the said recited Act of the Seventh Year of the Reign of His late Majesty; be it therefore enacted, That such several Provisions and Directions as aforesaid for the promulgating the Dividends of Profits to arise from the Tonnage Rates, and for regulating the Amount to be received for Tonnage Rates, according to the Provisions of the said recited Act of the Seventh Year of the Reign of His late Majesty, shall not extend, nor be deemed nor construed to extend, to the Dividends of Profits to arise from the Carrying Department of the said Undertaking under the Powers and Provisions of the said recited Act of the Tenth Year of the Reign of His said late Majesty, nor to vary or alter the Powers and Provisions of the said last-recited Act in respect of the Profits to arise from the Carrying Department, further or otherwise than to allow the said Company to make Dividends of the same among the Proprietors from Time to Time, according to the Provisions of this Act.

Power to raise Money to pay off Debts, &c.

3 G. 4. c. 86.

XXIX. And whereas the said Company have, pursuant to the Powers and Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, borrowed, of and from the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His said late Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor, and to authorize the further Issue of Exchequer Bills for the Purpose of the said Act*, the Sum of One hundred thousand Pounds, the whole

whole of which remains unpaid: And whereas by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth, the said Company were authorized and empowered to borrow and take up at Interest a Sum not exceeding One hundred and twenty-seven thousand five hundred Pounds on the Credit of the said Undertaking: And whereas the said Company have, pursuant to the Powers and Authorities of the said last-recited Act, borrowed and taken up at Interest on the Credit of the said Undertaking the said Sum of One hundred and twenty-seven thousand five hundred Pounds by the said last-recited Act authorized to be borrowed: And whereas it is expedient that the said Company should be enabled at any future Time, if they should think proper so to do, to raise Money amongst themselves by the Creation of new Shares to pay off the Money which may then remain unpaid of the Money borrowed by the said Company under and by virtue of the Powers and Provisions of the said several recited Acts, or any Part thereof; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by an Order of any Special General Meeting of the said Company to be from Time to Time held for that Purpose, to raise from Time to Time, by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, a further or additional Sum or Sums of Money to enable the said Company to pay off and discharge the Money borrowed or to be borrowed by the said Company under and by virtue of the Powers and Authorities of the said recited Acts, or any Part or Parts thereof, not exceeding in the whole the Amount which shall then remain unpaid of the several Sums so borrowed; and the Amount of the Money so to be raised from Time to Time shall be divided into such and so many distinct and integral Shares, of such Value and Amount as will allow a fair and proper Proportion thereof to be appropriated and held by the then Holders 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 the then several Holders of Shares in like Manner as is herein-before directed with respect to the Shares of Twenty-five Pounds each by this Act authorized to be created, and the same shall vest in such of the then Holders of Shares, their respective Successors, Executors, Administrators, and Assigns, as shall accept the same and shall pay the Value and Amount thereof respectively to the said Company; and in case any of the then Holders of Shares shall refuse or neglect to accept and pay the Value and Amount of such Shares to be appropriated to them respectively, it shall be lawful for the said Company, and they are hereby authorized and empowered, after the Expiration of such Offer or Notice as is directed by this Act to be given in the Case of the Shares of Twenty-five Pounds each, to dispose of such Shares as shall not be accepted unto such Bodies Politic, Corporate, and Collegiate, and other Persons, as may be willing and desirous of becoming and shall become Subscribers to and Proprietors of the same; and all and every new Share or Shares to be created in pursuance hereof shall be deemed Personal Estate, and shall be transmissible and transferrable as such; and all Bodies Politic, Corporate, and Collegiate, and other Persons, who shall become entitled thereto, and the several and respective Successors,

[*Local.*]

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Executors,

Executors, Administrators, and Assigns of such Bodies and Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Stock 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 Undertaking, but in the Proportion nevertheless which the Value and Amount of such Shares respectively so to be created as aforesaid may have or bear to the Value and Amount of the other Shares respectively by the said several recited Acts and by this Act authorized to be created, and under and subject to all the Powers, Provisions, Judgments, Remedies, Penalties, Claims, Matters, and Things contained in the said several recited Acts (so far as the same are not altered or varied) and in this Act respecting or relating to any other Shares in the said Undertaking, and so far as the same will apply; and all such Bodies and Persons aforesaid are hereby united to and incorporated with the said Company.

Saving of certain Rights.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors called "The *Warrington and Newton Railway Company*," established in and by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, 10 G. 4. c. 37. intituled *An Act for making and maintaining a Railway or Tramroad from the Liverpool and Manchester Railway, at or near Wargrave Lane in Newton in Mackerfield, to Warrington in the County Palatine of Lancaster, and Two Collateral Branches to communicate therewith*; and also in and by another Act passed in the Eleventh Year of His said late Majesty's Reign, intituled *An Act to enable the Company of Proprietors of the Warrington and Newton Railway to extend the Line of the said Railway, and for repealing, explaining, altering, amending, and enlarging some of the Powers and Provisions of the Act relating thereto*; nor to prejudice, affect, or alter any Right, Power, Privilege, or Authority which the Company of Proprietors of the *Mersey and Irwell Navigation*, their Lessees, Tenants, Servants, and Labourers, may have or be entitled to under or by virtue of the herein-before recited Act of the Tenth Year of the Reign of King George the Fourth; but saving and reserving to the said several Companies all their respective Rights, Privileges, and Franchises, as if this Act had not been passed.

Saving Rights of Corporation of Liverpool and of the Dock Trustees.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to take away, lessen, or abridge any of the Rights, Privileges, or Franchises, Powers or Authorities, of the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County Palatine of *Lancaster*, or of the Trustees of the *Liverpool Docks*, except so far as they are expressly repealed, varied, altered, or affected by this Act.

Application of Penalties.

XXXII. And be it further enacted, That all Penalties imposed under the Authority of this Act shall, when recovered, be applied in manner following; (that is to say,) one Moiety to the Informer, and the other Moiety shall be paid to some one of the Overseers of the Poor or to some other Officer of the Parish, Township, or Place

in which the Offence shall have been committed, to be by such Overseers or Officer paid over to the Use of the General Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such General Rate; and the Evidence of any Inhabitant of the County, Riding, or Division shall be admitted in proof of the Offence, notwithstanding such Application of the Fine incurred thereby.

XXXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, annul, abridge, or affect the Two several Indentures of Mortgage mentioned in the said Act of Parliament passed in the Ninth Year of the Reign of His said late Majesty to be made to the aforesaid and therein-mentioned Commissioners for the Issue of Exchequer Bills or their Secretary, or any of the Powers, Rights, and Remedies upon or in respect of the same; and that all Powers and Authorities, Rights and Privileges, Lands and Tenements, Works and Property whatsoever, which shall hereafter become conveyed to or vested in the said Company for forming, completing, or carrying on the said Railway, are hereby declared to form Part of and to be comprised in and among the Premises, Authorities, and Interests respectively conveyed and assigned by the Two several Indentures of the Twenty-third Day of *June* in the Year One thousand eight hundred and twenty-seven, respectively mentioned in the said Act of the Ninth Year of His said late Majesty; and that all and every the Sales and Sale by this Act authorized to be made by the said Company, and made during the Continuance of such Securities, or either of them, shall not be made unless with the Concurrence of the said Commissioners, in like Manner as they are authorized by the said Act of the Seventh and Eighth Years of the Reign of His said late Majesty to concur in any Sale or Sales by the said Company; and that no new Shareholder under or by virtue of this Act or the said recited Act of the Tenth Year of the Reign of His said late Majesty, or any other Person or Persons whomsoever, shall have or be entitled to receive from the Treasurer or Treasurers of the said Company any Sum or Sums of Money in respect of any new Share or Shares or other Security or Securities to be granted under this Act or any of the Acts herein recited or mentioned, until the several Instalments from Time to Time becoming due and payable to the said Commissioners or their Secretary for the Time being under the said Indentures respectively, or One of them, shall be fully paid and satisfied; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

This Act not to invalidate the Mortgages mentioned in 9 G. 4. c. 7. &c.

XXXIV. 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, and of obtaining and making the Surveys, Plans, and Estimates thereof, or otherwise incident thereto, shall and may be defrayed and paid by the said Company out of the Monies received or to be received by them under the Authorities of the said recited Acts and this Act, or any of them, in preference to any other Payment.

Expences of this Act how to be paid.

XXXV. And

Public Act.

XXXV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be noticed as such by all Judges, Justices, and others, without being specially pleaded.

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