



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. xxxvi.*

An Act for making a Railway from the *Bolton* and *Leigh* Railway in the Township of *West Leigh*, to the *Liverpool* and *Manchester* Railway in the Township of *Kenyon*, with a Branch therefrom, in the County of *Lancaster*. [14th May 1829.]

**W**HEREAS the making and maintaining of a Railway, together with the Branch therefrom herein-after mentioned, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons and other Carriages, from or near to the *Bolton* and *Leigh* Railway in the Township of *West Leigh* in the County of *Lancaster*, in and through the several Parishes or Places herein-after mentioned, to or near the *Liverpool* and *Manchester* Railway in the Township of *Kenyon* in the same County, would be of great Advantage to the Inhabitants of the said County, Towns, and Places, by opening a cheap and expeditious Communication between the several large trading Towns of *Liverpool*, *Manchester*, and *Bolton*, and by affording an additional Mode of Transit for Merchandize and other Articles and Matters between those Places, and also to and from the neighbouring Country, would be of great public Utility: And whereas the several Persons herein-after named are willing and desirous at their own Costs and Charges to carry into execution the said Undertaking; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by

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the

Proprietors  
incorporated.

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 *Benjamin Gaskell, Charles Lawrence, Gilbert Winter, John Moss, Thomas Forsyth, Richard Harrison, Wellwood Maxwell, Robert Gladstone, Thomas Headlam, Robert Benson, William Potter, Adam Hodgson, Joseph Pilkington Brandreth,* and all other Persons and Bodies Politic and Corporate who shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they hereby are united into a Company for making and maintaining the said Railway and Branch Railway, and other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "*The Kenyon and Leigh Junction Railway Company,*" and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall and may sue and be sued; and also shall have Power and Authority to purchase and hold Lands and other Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed.

Company  
empowered  
to make  
Railway.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway or Railways, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons, Carts, and other Carriages, properly constructed, commencing at the Place delineated on the Plan and described in the Book of Reference deposited with the Clerk of the Peace of the said County Palatine of *Lancaster*, situate at or near the *Bolton and Leigh* Railway within the Township of *West Leigh* in the Parish of *Leigh*, and extending to or passing through or into the several Parishes of *Leigh* and *Winwick*, within the said County of *Lancaster*; and also extending to or passing through or into the several Townships, Hamlets, or Places of *Leigh, West Leigh, Pennington, and Kenyon*, or some of them; and terminating at or near to the *Liverpool and Manchester* Railway within the said Township of *Kenyon*, at or about Five hundred Yards to the Westward of a certain Lane called *Broseley Lane*, in the said Township of *Kenyon*; together with a Branch from or out of the said Railway so intended to be made, commencing at, in, or near a certain Field belonging to the Earl of *Wilton* in the Occupation of *Mary Walpole* in the said Township of *Kenyon*, and thence extending in a curved Line eastwardly into and terminating at or near the said *Liverpool and Manchester* Railway in the said Township of *Kenyon*, about Four hundred Yards to the Eastward of the said Lane called *Broseley Lane*, all within the said County of *Lancaster*; and also to make and maintain inclined Planes on such Parts of the said Line as may appear to the said Company to be necessary.

Power to take  
Lands, &c.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen,

Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person, or Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions and Directions of this Act, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or make use of, for making and using the said Railway, and all such other Works, Matters, and Conveniences as are hereby authorized to be made, and there to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, lay, and use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Railway and other Works, out of the Lands or Grounds of any Person, or Body Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway, which may be proper or necessary for making, maintaining, altering, or repairing, or carrying on the said Railway and other Works, or which may obstruct the making, maintaining, or using the same, according to the Intent and Meaning of this Act; and also to make or construct, in, under, or upon the said Railway or other Works, or upon the Lands adjoining the same, such Embankments, Bridges, Piers, Arches, and Cuttings, and to alter the Course of any Brook, Stream, or Watercourse, for such Time as may be necessary for constructing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Landing Places, Engines, or other Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper for the Purposes of the said Undertaking, and also from Time to Time to alter, repair, or discontinue the same or any of them, and to substitute others in their Stead; and also to place, lay, work, and manufacture the Materials necessary for the making or maintaining and repairing the said Railway and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, or repaired or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggon and other Carriages passing upon the said Railway, and proper Places for such Waggon and other Carriages to turn, remain, or pass each other, and also such Ways and Roads to communicate with the said Railway, and other Conveniences, as the said Company shall think proper; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, Cuttings, and other Works, in, upon, under, and across any Houses or other Buildings or Erections, or any Hills, Vallies, Roads, Rivers, Canals, Brooks, and Streams or other Waters, for the making, preserving, improving, using, maintaining, and repairing of the said Railway and other Works; and to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or any Part thereof; and to do all other Matters and Things fit or necessary for the making, maintaining, improving, and using the said Railway and other Works; they the said Company, their Deputies, Agents, Servants, and Workmen,

men, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to the Owners or Proprietors of, and to all Persons interested in, any Lands or other Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and all other Persons whomsoever, for what they or any of them shall do, by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Deficiencies in Land Tax to be made good by the Company.

IV. And whereas, by reason of the Exercise of the Powers by this Act granted, there may be Deficiencies in the Assessment for Land Tax in the several and respective Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the several Parishes or Townships, out of the Money to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships, by reason or means of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector or Collectors of the said Assessments.

Prescribing Width of the Rails of the Railway.

V. And be it further enacted, That the Distance between the Inside Edges of the Rails of the said Railway shall not be less than Four Feet Eight Inches, and the Distance between the Outside Edges of the Rails of the said Railway shall not be more than Five Feet and One Inch.

Crossings.

VI. Provided always, and be it further enacted, That where the said Railway shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway for the Purpose of guiding the Wheels of the Carriages shall not rise above or sink below the Level of such Road more than One Inch.

Dimensions of Bridges for carrying Railway over public Roads.

VII. Provided also, and be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any Turnpike Road or public Highway, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike

pike Road or public Highway to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

VIII. Provided also, and be it further enacted, That in all Places where it may be necessary to erect any Bridge for carrying any public Carriage Road over the said Railway, the Road over such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet; and 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.

Ascent of Bridges, and Height of Fences to the same.

IX. And be it further enacted, That in all Cases where the said Railway shall cross any Turnpike Road or public Highway on a Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of the said Turnpike Road or public Highway where the said Railway shall communicate with such Turnpike Road or public Highway, which Gates shall be constantly kept shut, except at such Times as Waggon, Carts, and other Carriages passing along the said Railway shall have to cross such Turnpike Road or public Highway, and then the same shall be opened for the Purpose only of letting such Waggon, Carts, and other Carriages pass through; and every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any Train of Waggon, Carts, or other Carriages, shall cause every such Gate to be shut as soon as such Waggon, Carts, and other Carriages shall have passed through, under the Penalty of Five Shillings for every Default therein.

Wherever Railway crosses Turnpike or public Highway, Company to erect Gates on each Side.

X. And whereas the said Railway is intended to be carried over the Canal or Branch of the *Leeds and Liverpool* Canal from *Hennis Bridge* near *Wigan* to *Pennington* in the Township of *West Leigh*, by means of a Bridge, and it is expedient to provide against Obstructions being thereby occasioned to the free Navigation of the said Canal; be it therefore enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, and they are hereby authorized and required, at their own Expence, to erect and build a good, firm, and substantial Bridge, of Brick, Stone, or Iron, over the said Canal and the Towing Path thereof, with proper Approaches thereto, upon which Bridge the said Railway shall be made; and the Opening or Span of the Arch of the said Bridge which shall be made over the said Canal and Towing Path shall not be less than Twenty-five Feet between the Walls or Abutments thereof, and the Width of the Towing Path shall not be less than Six Feet, and the Breast Wall of the Towing Path shall be built perpendicular from the Foundation, and the under Side of the Opening or Span of the said Bridge at the Centre or Keystone of the Arch shall not be less than Twelve Feet in Height above the top Water Level of the said Canal where such Bridge shall be erected; and the Space between the Piers of the said Arch (except so much thereof as

A Bridge to be built over the Leeds and Liverpool Canal.

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shall

shall be occupied (by the said Towing Path) shall, after the said Bridge is completed, from Time to Time and at all Times thereafter, (except during the necessary Repairs of the said Bridge, or the Erection of any future Bridge,) be left a free, open, navigable Waterway.

Company restrained from obstructing Navigation of Leeds and Liverpool Canal.

XI. And be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, during the Progress of constructing such intended Bridge, or the necessary Repair thereof, or the Erection of any future Bridge in lieu thereof, from Time to Time and at all Times, to leave a free, open, uninterrupted navigable Waterway in the said Canal of not less than Sixteen Feet in Width; and in case, by and during the Progress of the Works by this Act authorized to be made, or by reason of any of the Causes aforesaid, or by reason of the bad State of Repair of the said Bridge, the said Canal shall be so obstructed that Boats, Barges, or other Vessels navigating the same shall not be able to pass along the same, or in case the said navigable Waterway hereby required to be kept open during the Progress of the said Works shall at any Time be contracted or lessened to a smaller Width than Sixteen Feet, then and in either of the Cases the said Company of Proprietors hereby incorporated shall pay to the Company of Proprietors of the Canal Navigation from *Leeds to Liverpool* the Sum of Fifteen Pounds for every Day during which such Obstruction shall continue, and so in proportion for any less Time than One Day; and in default of such Payment, on Demand upon the Treasurer or principal Clerk of the said Company hereby incorporated, any Two or more of His Majesty's Justices of the Peace for the said County of *Lancaster* shall and they are hereby required, on Application by the said Company of Proprietors of the Canal Navigation from *Leeds to Liverpool*, or of any Person authorized by any of them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said Company of Proprietors of the Canal Navigation from *Leeds to Liverpool*, their Treasurer, Agent, or Clerk, rendering the Overplus (if any), upon Demand, after deducting the reasonable Charge of making such Distress and Sale, to the said Company of Proprietors hereby incorporated, or to some of their Agents; or otherwise the said Company of Proprietors of the Canal Navigation from *Leeds to Liverpool* shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

Railway in crossing the Liverpool and Manchester Railway to be made under the Superintendence of

XII. And be it further enacted, That in case the said Railway or any Branch therefrom authorized by this Act to be made, or any other Railway or other Road to be hereafter made for the Purpose of communicating or which shall communicate with the said Railway and Branches hereby authorized to be made, shall cross the *Liverpool and Manchester* Railway, the same shall be made, laid down, and constructed under the Direction and Superintendence of the Engineer

for the Time being of the *Liverpool and Manchester Railway Company*, and shall be made and constructed in such Manner as not to injure the said *Liverpool and Manchester Railway*, nor obstruct or hinder the free Passage over, upon, and along the same.

Engineer of  
the latter  
Railway.

XIII. And be it further enacted, That at every Place where the said Railway hereby authorized to be made, or any Branch therefrom, shall open upon or join the *Liverpool and Manchester Railway*, and also at every Place where any other Railway or other Road which may at any Time hereafter be made for the Purpose of communicating or which shall communicate with the Railway or Branches hereby authorized to be made, shall open upon or join the *Liverpool and Manchester Railway*, a good and sufficient Gate shall be erected and kept in repair, so far as relates to the said Railway hereby authorized to be made by and at the Expence of the said Company hereby incorporated, and so far as relates to any other Railway or other Road by and at the Expence of the several Persons who may have the Superintendence of such other Railways or Roads so to be made as aforesaid; and all such Gates shall be kept constantly shut, except at such Times when Waggons, Carts, and other Carriages passing along the Railway hereby authorized to be made, or passing along any other Railway or other Road, shall have to cross the said *Liverpool and Manchester Railway* from the one to the other, and then shall be opened for the Purpose only of letting such Waggons, Carts, and other Carriages pass through; and every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any Train of Waggons, Carts, and other Carriages, shall and he is hereby directed to cause the said Gates and each of them to be shut as soon as such Waggons, Carts, and other Carriages shall have passed through, under a Penalty of Five Shillings for every Offence, to be recovered in like Manner as the other Penalties under this Act are directed to be recovered.

Gates to be  
erected at  
Points of  
Junction with  
other Rail-  
way.

XIV. And be it further enacted, That no Engine, Waggon, Cart, or other Carriage shall be driven or pass across the said *Liverpool and Manchester Railway* from or to the said Railway, or from or to the said Branches hereby authorized to be made, so as to stop, obstruct, interrupt, or delay the Passage of any Engine, Waggon, Cart, or other Carriage passing along the said *Liverpool and Manchester Railway*, nor until all Engines, Waggons, Carts, and Carriages, Cattle, or other Things going along that Part of the said *Liverpool and Manchester Railway*, and being at the Time within Sixty Yards of such crossing Place, shall have passed; but that in all Cases the said Engines, Waggons, Carts, or other Carriages so intended to be driven across the said *Liverpool and Manchester Railway* shall give place to and wait until the Engines, Waggons, Carts, and other Carriages going along that Part of the said *Liverpool and Manchester Railway* shall have passed by, under the Penalty of Ten Pounds for every such Engine, Waggon, Cart, or other Carriage so crossing or not waiting as aforesaid, and for every such Offence, to be recovered from the Owner of every such Engine, Waggon, Cart, or other Carriage in like Manner as other Penalties under this Act are directed to be recovered; and the Owner of every such Engine,  
Waggon,

For regul-  
ating the  
crossing the  
*Liverpool*  
and *Man-  
chester Rail-  
way*.

Waggon, Cart, or other Carriage shall also be liable for all Damage, Loss, and Injury that may be done to the said *Liverpool and Manchester* Railway, or to the Engines, Waggon, Carts, or other Carriages passing along the same, or to any Person or Persons, Cattle, Goods, Merchandize, Matters, and Things passing along the said Railway in the said Waggon, Carts, and other Carriages, or otherwise, by reason of crossing the said *Liverpool and Manchester* Railway in any other Manner than is herein-before directed; the same to be recovered by Action of Law in any of His Majesty's Courts of Record, with full Costs of Suit.

Plan and Book of Reference.

XV. And whereas a Map or Plan describing the Lines of the said Railway, and the Lands and Grounds [in, through, under, over, and upon which the same is intended to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands and Grounds, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in such Lands and Grounds shall have Liberty to inspect and peruse and make Extracts from and Copies of the same at all seasonable Times, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which shall be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than 100 Yards from Plan.

XVI. And be it further enacted, That the said Company in making the said Railway shall not deviate or extend beyond One hundred Yards from the Line delineated in the said Map or Plan; and such Deviation or Extension shall not enter the Lands or Grounds of any Person not mentioned in the said Book of Reference.

Unintentional Errors in Act, or Plan or Book of Reference, not to prevent Execution of Act.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway or Tramroad upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Railway or Tramroad are delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Name of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, (in case of a Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said County.

XVIII. Pro-



XVIII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-eight, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

Houses and Gardens not to be taken, except those specified in the Schedule.

XIX. Provided also, and be it further enacted, That in all Cases where in the Exercise of any of the Powers hereby granted any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be practicable, and shall cause the same to be put in good and substantial Order and Condition where the former Road cannot more easily be restored; and where the Road cut through, sunk, raised or passed over shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored, within Six Calendar Months after the Commencement of the Operation; and the Railway where it shall cross such Turnpike Road shall be made and kept in repair so as to prevent, so far as may be practicable, any Inconvenience or Obstruction to the Passage along such Turnpike Road.

To prevent Injury to Roads over which the Railway shall pass.

XX. And be it further enacted, That the Lands or Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty-two Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Waggons and other Carriages to turn and pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, and not above One hundred and fifty Yards in any Place, except at or near to the Terminations of the said Railway within the several Townships or Places of *West Leigh*, *Pennington*, and *Kenyon* respectively, where Places not exceeding One hundred and fifty Yards in Length by One hundred and fifty Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, and other Buildings and Conveniences, and also except on Commons and Waste Lands, unless with the Consent of the Owners or Proprietors of and Persons interested in the Lands or Grounds through which the said intended Railway shall pass, where the said Company of Proprietors shall be desirous of appropriating Land of greater Width.

Breadth of Land to be taken for Railway.

[*Local.*]

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XXI. And

Convenient  
passing  
Places to be  
made along  
the Railway.

XXI. And be it further enacted, That the said Company shall make, at convenient Distances along the said Railway, passing Places or Turn-outs, for the enabling of Waggons, Carts, and other Carriages drawn along the said Railway to pass each other: Provided always, that there shall not be fewer than Three such passing Places or Turn-outs in each Mile of the said Railway.

Bodies Poli-  
tic, &c. em-  
powered to  
sell and con-  
vey Land.

XXII. And be it further enacted, That after any Lands, Grounds, or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Coverts who are or shall be seised, possessed, or interested in their own Right or entitled to Dower or other Interest therein, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Grounds, or Hereditaments as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; viz.

Form of Con-  
veyance to  
the Com-  
pany.

I, \_\_\_\_\_ of \_\_\_\_\_ in consideration of the  
Sum of \_\_\_\_\_ to me [or, as the Case may be,] into  
the Bank of England, in the Name and with the Privity of the  
Accountant General of the Court of Exchequer, *ex parte* the Kenyon  
and Leigh Junction Railway Company] pursuant to the Act after  
mentioned, paid by the said Company of Proprietors, established  
and incorporated by an Act of Parliament passed in the Tenth Year  
of the Reign of His Majesty King George the Fourth, intituled  
[here set forth the Title of this Act] do hereby grant and alien to  
the said Company, their Successors and Assigns, all [describing the  
Premises to be conveyed], together with all Ways, Rights, and  
Appurtenances thereunto belonging, and all such Estate, Right,  
Title, and Interest in and to the same and every Part thereof as I  
am or shall become seised or possessed of, or am by the said Act  
of Parliament capacitated or empowered to convey; to hold the  
Premises to the said Company of Proprietors, their Successors and  
Assigns, for ever, according to the true Intent and Meaning of the  
said Act. In witness whereof I have hereunto set my Hand and  
Seal, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
Lord \_\_\_\_\_

And

And every such Conveyance and Assurance as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests so thereby conveyed or aliened, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

XXIII. Provided always, and be it further enacted, That if any Contract or Agreement shall be made or entered into for or in respect of any Lands, Tenements, or Hereditaments to be taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender thereof in the Court of the Manor of which the same may be holden or Parcel, according to the Custom of such Manor, which Surrender shall have like Force and Effect in respect of the Copyhold or Customary Estate and Interests as such Conveyance as aforesaid made by the same Person would have had over the Hereditaments comprised in such Surrender in case the same had been of Freehold Tenure in the same Person; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lady for the Time being of such Manor, or, if Infant, Lunatic, or Idiot, his or her Guardian or Committee, shall be willing to enfranchise the same, in which Case such Lord or Lady, whether sole or married, and his or her Guardian or Committee if Infant, Lunatic, or Idiot, is hereby empowered so to do, by such or the like Form of Conveyance as aforesaid, notwithstanding he or she shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent such Lord or Lady from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he or she would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lady shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him or her in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate, which Recompence and Satisfaction, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof.

Conveyances  
of Copyholds.

XXIV. And

Lords of  
Manors un-  
der Incapa-  
city enabled  
to enfranchise  
Copyholds  
and appor-  
tion Rents.

XXIV. And be it further enacted, That in all Cases where the Lord or Lady of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are holden or Parcel, or, being Infant, Lunatic, or Idiot, his or her Guardian or Committee, shall be willing to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lady shall be seised of or entitled to such Manor for a less Interest than an Estate in Tail General or Special in Possession, or where he or she shall be unable by levying a Fine or suffering a Common Recovery to enfranchise the same Lands or Tenements, or shall, whether having such limited or the entire Interest in such Manor, be Infant, Idiot, or Lunatic, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid and disposed of under the Direction and Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements, of which a Part only shall be or shall have been taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lady of the Manor whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled, the same shall then be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy or Remedies for the Recovery of such Rents after the Apportionment thereof; and in all Cases where the Lord or Lady of any Manor whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Part, shall have declined to enfranchise the same, and shall in consequence thereof have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements or any Part thereof shall not be ultimately required for the Purposes aforesaid or any of them, and shall be sold and disposed of by the said Company under the Authority to them given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

XXV. And

XXV. And be it further enacted, That in all Cases where in the Execution of the Powers of this Act there shall be Occasion to cut through, take, or use any Part of any Common or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person, having such Estate or Interest in the Manor wherein such Common or Waste Ground shall be situate (or if the same shall not be the Waste of any Manor, then having such Estate or Interest in the Soil of the said Lands, Tenements, or Hereditaments,) as the Body or Bodies Politic, Corporate, or Collegiate, or Persons, who are herein-before enabled to sell other Lands, Tenements, and Hereditaments, have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having Right of Common upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Grounds as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Commons or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general and public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwarden for that Purpose, shall direct; and in all Cases where any such commonable or other Rights shall extend over and be exercised or enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Grounds, the Compensation for the Relinquishment thereof shall be paid to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or be deposited in the Bank of *England* in the Manner by this Act directed (as the Case may be): Provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situate, the Conveyance by Four at least of the Freeholders whose Lands or Tenements, whether absolute in them, or such as would capacitate them to convey such Lands and Tenements if wanted for the Purposes of this Act, have Common Right in or over such Common or Waste Grounds, and whose said Lands and Tenements in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the Whole of the

Waste Lands  
to be con-  
veyed by  
Lords of  
Manors.

Lands and Tenements which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds.

Where small  
Parcels of  
Land are  
intersected,  
Company  
compellable  
to purchase  
the whole.

XXVI. And be it further enacted, That if, in the Execution of any of the Powers of this Act, any Land shall be cut through and divided so that what shall be left thereof on both or on either Side of the said Railway shall be less than One Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on both or either of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land to be taken and used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left, he may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land of such Owner, by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

Company not  
to claim  
Mines, &c.  
under Land  
purchased.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Mines, or any Coals, Stone, Slate, or other Minerals, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much of such Coals, Stones, Slate, or Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the respective Owners or Lessees thereof under the said Lands, or the Railway or other Works of the said Company, as if this Act had not been passed, so that no Damage or Obstruction be thereby done or occur to or in such Railway or Works.

Satisfaction  
to be made  
for Lands  
taken for the  
Railway.

XXVIII. And be it further enacted, That all Bodies and other Parties herein-before capacitated or enabled to sell and convey any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them or him conveyed, and also Compensation for the Damages to be sustained in making the Works by this Act authorized, and also of or by reason of the severing or dividing the same Lands, Tenements, and Hereditaments, and for and on account of any Damage, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies or other Parties, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) or Occupiers respectively, or any of them, and the said Company; and in case the said Company and such Parties respectively do not agree as to the

Amount or Value of such Satisfaction and of such Compensation, the same respectively, or either of them, concerning which they cannot or do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

XXIX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Buildings, Lands, Tenements, Hereditaments, Streams, Brooks, Canals, Wells, Springs, Waters, or Watercourses, which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee; or other Person so interested, entitled or capacitated to sell or agree as aforesaid, shall differ or shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or other Person interested, entitled or capacitated to sell as aforesaid, shall (for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Occupier of any Lands or other Hereditaments required for the Purposes of this Act,) neglect or refuse to treat, or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests, or the respective Estates or Interests which he or she is capacitated or enabled to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of or to which they, he, or she may be in Possession, and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in or about forming the said Railway and Works in the Execution of this Act cannot be made; then and in every such Case the said Company may and shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands and Hereditaments in question shall be situate, or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the County and free from personal Disability who shall have filled the Office of Sheriff or Coroner in the said County,

Manner of proceeding in case the Parties refuse or are incapable to treat.

County, and not be interested, as aforesaid, a Person having more recently served either Office being always selected in preference to any other Person having more anciently served the same Office, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized and empowered and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or other Person, or by some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest or indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, Matter or Matters in controversy; and such Jury shall upon their Oaths, or being of the Society of Persons called *Quakers* upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, except for such Interest or Interests therein as shall have been of right purchased by the said Company from any other Person or Persons, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced

as



as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which, or any Damage to which, any such Question shall arise.

XXX. Provided always, and be it further enacted, That in ascertaining the Sum of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, the Jury shall also ascertain or assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time hereafter be sustained by any Body Politic, Corporate, or Collegiate, or by any Persons, being respectively Owners, Occupiers of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments whereof, wherein, or whereto such Body or Person as aforesaid shall be seised, possessed, interested, or entitled, and for or on account of the Injury, Loss, or Prejudice which shall or may accrue to or be sustained by any such Body or Person interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of making, using, repairing, or maintaining the said Railway, and other Works and Conveniences belonging thereto, or by reason of the Execution of any of the Powers given to the said Company, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Value of Land and Damages to be ascertained separately.

XXXI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his Interest therein.

Compensation Money to be apportioned.

XXXII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter in dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be true Evidences in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof,

Verdicts to be recorded.

[Local.]

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paying

paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriff, &c.

XXXIII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being of the Society of Persons called *Quakers* to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, every Person so offending, having no reasonable Excuse, (to be allowed by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be situate, or the said Inquisition shall be held, by Distress and Sale of the Goods and Chätrels of the Person so offending, rendering to him the Overplus of the Money so to be produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

Witnesses making Default.

Jurors to be under the same Regulations as those of the Courts at Westminster. Persons giving false Evidence.

XXXIV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or being of the Society of Persons called *Quakers* upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of the Jury how to be paid.

XXXV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Land, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation or Recompence for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be

defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Lancaster*, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or less Sum than shall have been previously offered by the said Company, in every such Case one Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the other Moiety shall be defrayed by the said Company; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner hereinbefore mentioned, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Party as aforesaid, as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not hereinbefore provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

XXXVI. And be it further enacted, That all Parties with whom the said Company shall have any such Controversy or Dispute shall at their own Costs, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company, in a Penalty of One hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion (if any) of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them, to be paid according to the true Intent and Meaning of this Act.

Persons who request Juries shall enter into Bonds to prosecute their Complaint and pay Expences.

XXXVII. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Body or Person for any Injury or Damage by him sustained or supposed to be sustained, or having been discovered to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by the Chief Clerk or Treasurer or other proper Officer of such Body, or by such

Notice of any Injury to be given to Company before Complaint is made.

such Person, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Body or Person to the said Company Ten Days at the least before such Complaint shall be made to the said Company, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

XXXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor of such Lands, Tenements, or Hereditaments, or other Person interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Party so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make or prove a good Title to, or shall refuse to execute the necessary Conveyances of the Premises, or in case such Money shall be liable to be invested in the Purchase of other Hereditaments, then upon Payment of such Money into the Bank of *England*, as herein-after directed, within One Calendar Month after the same shall have been so agreed for or determined and assessed, for the Use of the Parties entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, and Hereditaments; and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all or any Persons therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender or Investment shall not only bar all the Right, Title, Interest, Claim, and all Demand of such Persons as aforesaid, and operate as a Merger of all outstanding or other Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates, in Reversion and Remainder, or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to bore under, dig, or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the Leave of the respective Owners or Occupiers thereof.

Tenants at Will or for Years to quit Lands, &c. after Notice.

XXXIX. And be it further enacted, That every Tenant at Will, Lessee for a Year, and other Person in Possession of any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway and other Works hereby authorized to be made are intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year

to

to Year, shall deliver up Possession of such Premises to the said Company, or to such Person as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such Tenant or Lessee, or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he shall be required; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the said Premises shall be situate, to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person so refusing to give Possession by Distress and Sale of his Goods.

XL. Provided also, and be it further enacted, That when any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him before the Expiration of his Term or Interest therein, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee as aforesaid, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be ascertained and settled in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or used by the said Company is by this Act directed to be made and assessed.

Interests of such Tenants may be settled by a Jury.

XLI. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or other Works hereby authorized to be made are intended to pass or be made, under or by virtue of any Demise, Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, as the Case may be, then the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Persons holding under Leases to produce the same.

XLII. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage) shall, on Tender of the Principal Money

Mortgagees to convey to Company after Tender of Principal and Interest.

[*Local.*]

8 A

and

and Interest due thereon, and the just Costs, if any, then due, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Company, immediately convey, assign, and transfer such mortgaged Hereditaments to the said Company or to such Person as they shall appoint; and in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagee shall convey, assign, and transfer his Interest in the Mortgage, Tenements, or Hereditaments to the said Company, or as they shall direct; and in case such Mortgagee shall refuse to convey and assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Lands, Tenements, or Hereditaments to be taken and made use of for the Purpose of this Act, or otherwise of the Estate or Interest therein mortgaged, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to such Mortgagee more than the real Value so ascertained as aforesaid of the Lands, Tenements, or Hereditaments, or Estate or Interest so mortgaged, or than the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant as herein-before directed, occupying or holding the Estate or Interest so in Mortgage; provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs, if any, due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or, in lieu of such Notice, and in addition to the said other Monies, Six Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Lands, Tenements, or Hereditaments, and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever; provided also, that if any such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his Interest in such Lands, Tenements, or Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all Persons in Trust for him, in

the said Lands, Tenements, or Hereditaments, the Value whereof, or of the Estate or Interest therein mortgaged, shall have been so ascertained, and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

XLIII. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Parts of the Lands, Tenements, or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purpose aforesaid, or (as the Case may be) of the Interest therein mortgaged, and also the Compensation, if any, for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments on the one Part, and the said Company on the other Part; and in case of any Difference between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Price or Value and Compensation, being so settled and agreed upon, or ascertained and assessed as aforesaid, shall be paid to such Mortgagee in Satisfaction of his Claim, so far as the same will extend; or in case of his neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England* as by this Act is provided; and such Payment to the Mortgagee, or into the Bank as last aforesaid, shall be and be accepted and taken in Satisfaction of the Claim of such Mortgagee, as far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used, from all Principal and Interest and other Money secured or due thereon: Provided nevertheless, that notwithstanding any thing herein-before contained, such Mortgagee shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of his Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purpose aforesaid, he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

Directing in what Manner Disputes between the said Company and certain Mortgagees of Lands shall be settled.

XLIV. And be it further enacted, That if any Money shall be paid or be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or

Application of Compensation Money amounting to 200*l.*

used

used by virtue of the Powers of this Act, which any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby incapacitated to convey, then such Money shall, in case the same amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Kenyon* and *Leigh* Junction Railway, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, 1 G. 4. c. 35. intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in, there remain until the same shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments; be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, Tenements, or Hereditaments, or affecting the Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall (upon the like Application) be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.



XLV. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal,) be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid (at the like Option and with the like Approbation) to Two Trustees, to be nominated by the respective Persons exercising such Option, and such Nomination to be approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Profits so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for their own Use and Benefit, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of such Persons respectively entitled thereto.

Application of Compensation Money when less than 20*l.*

XLVII. And be it further enacted, That in case any Person to whom any Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall refuse, be unable, or neglect to make and prove a good Title to the Premises, to the Satisfaction of the said Company for the Purposes of this Act; or in case any Person to whom such Money shall be awarded as aforesaid shall be absent from *England*, or cannot be found; or if any Person entitled unto or to convey such Lands, Tenements, or Hereditaments be not known or discovered, or be not shown to the Satisfaction of the said Company, or be absent from *England*; then and in every such Case it shall be lawful for the said Company to order the Money so awarded as aforesaid to be paid into

In case of not making Titles, or Persons entitled not being found.

[*Local.*]

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the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments, (describing them, so far as such Company can do so,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, (as to such Court shall seem meet,) to order the same to be laid out and invested in the Public Funds; and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give a Receipt for such Money, mentioning and specifying therein for what and for whose Use, described as aforesaid, the same is received, to the said Company, or to any Person paying any Money into the Bank of *England* under or pursuant to this Act.

Persons in Possession presumptively entitled.

XLVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purpose aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Person who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under or consistently with the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Person was lawfully entitled to such, or to some and what Part of such Lands, Tenements, or Hereditaments, or to some and what Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XLIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases

Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

L. And whereas, by means of the Purchases which the said Company are empowered and are required to make by virtue of this Act, they may happen to be seised of more Land, Tenements, or Hereditaments than will be necessary for effecting the Purposes of this Act, or of Lands, Tenements, or Hereditaments not wanted or not applicable to the Purposes hereof; be it therefore further enacted, That it shall be lawful for the said Company to sell, and by any Deed under their Common Seal to convey, any Part of such Lands, Tenements, or Hereditaments, or of any Estate or Interest purchased by the said Company in such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient or deem most advantageous, to such Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Piece of Land or Ground, shall first offer to sell the same to the Person, or the Persons successively, in such Order as the Company shall deem meet, whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, (the Preference in Pre-emption of such Persons, if more than One, being according to the Order of making such Offers,) shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Lands, Tenements, or Hereditaments, for the said Space of Fifteen Days, then and in every such Case, an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, by some Person not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined, or was not accepted or agreed to, by the Person or Persons to whom the same was made; within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said

Enabling the Company of Proprietors to sell Lands not wanted.

Lands intended to be resold to be first offered to Owners of adjoining Lands.

Company

Company shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of such Lands, Tenements, or Hereditaments as aforesaid shall be applied to the Purposes of this Act.

Treasurer  
upon Pay-  
ment of  
Money to  
give Receipts.

LI. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale of any such Lands, Tenements, or Hereditaments, or any Interest belonging to the said Company therein, or of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Company, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or Interests, as shall be sold, or for so much thereof and for such Sum of Money as in such Receipts respectively shall be expressed to be received, and such Person shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Monies, or any Part thereof.

Empowering  
Company to  
purchase Ten  
Acres of  
Land.

LII. And whereas it may tend to the public Advantage and Accommodation if the said Company be empowered to purchase an additional Quantity of Land, not exceeding Ten Statute Acres, and also to purchase any Messuages or other Buildings, for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract with any Person, Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Lands, Tenements, or Hereditaments, (not exceeding in the whole Ten Statute Acres,) in such Places as shall be deemed eligible or convenient, for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed, upon the said Railway, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey

convey other Lands for the Purposes of this Act, to sell and grant or convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever, for the Purposes mentioned in this Clause or any of them, in the same Manner as herein-before directed and authorized concerning Lands, Tenements, or Hereditaments to be taken or used for the Purposes of making and maintaining the said Railway.

LIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, from Time to Time, to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act, or so much and such Parts thereof as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to purchase the same, and again from Time to Time to contract for the Purchase of any other Lands, Tenements, and Hereditaments which the said Company shall deem more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased and held by the said Company for any of the Purposes herein-before last mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Company may sell Lands not required for the Purposes of the Act, and afterwards purchase and sell again from Time to Time within the Quantity prescribed.

LIV. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making the said Railway, and all Bodies and Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands, Tenements, or Hereditaments so purchased from such Bodies or Persons as aforesaid, and again purchasing other Lands from the same, or from any other like Bodies or Persons, instead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, more than such Ten Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life

Restraining the Company from purchasing more than Ten Statute Acres of Land from incapacitated Persons, &c.

[Local.]

8 C

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or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Ten Acres or any other Part thereof so sold or disposed of by the said Company.

The Word  
"grant" in  
Conveyances  
from the  
Company of  
Proprietors  
to amount to  
certain  
Covenants.

LV. And be it further enacted, That in every Conveyance to be made by the said Company under or in pursuance of this Act, the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantee or Grantees, according to the Quality or Nature of the Grantee or Grantees therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyance seised or possessed of the Lands, Tenements, and Hereditaments or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them or otherwise, for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyance; and such Grantee or Grantees, and his, her, or their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to his, her, or their Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may, in any Action or Actions to be brought, assign Breach or Breaches thereupon, as he, she, or they might do in case such Covenants were expressly inserted in such Conveyance.

Whole of  
Expence to  
be subscribed  
before Work  
commences.

LVI. And whereas the probable Expence of making the said Railway and other Works hereby authorized to be made will amount to the Sum of Twenty-two thousand nine hundred and forty-six Pounds, and the Sum of Twenty thousand eight hundred Pounds, being more than Four Fifth Parts thereof, has been already subscribed for by several Persons, under a Contract binding themselves, their

Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed for respectively; be it further enacted, That the whole of the said Sum of Twenty-two thousand nine hundred and forty-six Pounds shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

LVII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a Sum of Money for making and maintaining the said Railway, and the Inclined Planes, Ways, Yards, Quays, Wharfs, Bridges, Piers, Arches, Embankments, Cuttings, and other Works belonging or requisite thereto, and for erecting, purchasing, and providing Houses, Warehouses, Toll Houses, and other Buildings, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines and Machines, and other Works and Conveniences, not exceeding in the whole the Sum of Twenty-five thousand Pounds, the whole to be divided into Two hundred and fifty Shares of One hundred Pounds each; and such Two hundred and fifty Shares shall be numbered, beginning with Number One, in arithmetical Progression, whereof the common Excess or Difference shall be One; and every such Share shall always be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, (or such Sum or Sums as shall be demanded in lieu thereof,) towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled unto and receive (at such Time and Times as the said Company or their Directors shall at any General or Special Meeting, to be convened for that Purpose in such Manner as Meetings on other Occasions are directed to be convened, direct and appoint,) in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, or Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in the Manner herein directed and appointed.

Proprietors  
to raise  
25,000*l.*  
amongst  
themselves  
for making  
Railway, in  
Shares of  
100*l.* each.

LVIII. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be  
Personal  
Property.

LIX. And

To compel  
Payment of  
Subscrip-  
tions.

LIX. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making or maintaining the said Railway and other Works hereby authorized, and for other the Purposes of this Act, shall and are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company named and appointed as herein-after mentioned, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay the Money by him so subscribed for, or otherwise the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Directing  
how Sub-  
scribers shall  
vote.

LX. And be it further enacted, That every Body Corporate or Person who shall have duly subscribed for or become entitled to any Share or Shares, not exceeding Ten Shares, in the said Undertaking, and their respective Successors, Executors, Administrators, or Assigns, shall have a Vote for each such Share; and every such Body or Person as aforesaid as shall have subscribed for or become entitled to Ten Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Ten Votes which they respectively shall have for or in respect of their first Ten Shares, have an additional Vote for every Two Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of Ten Shares; and such Vote or Votes may be given by such respective Parties, or by their respective Proxies constituted under the Seal of such Body Corporate, or under the Hands of the other Proprietors appointing such Proxies; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Assembly of the said Company shall be determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointor or Appointors of the Proxy thereby substituted, and other Circumstances, will admit of; (that is to say,)

Form of  
Proxy.

‘ [A. B.] of [One] of the Proprietors of the  
‘ *Kenyon and Leigh Junction Railway Company*, doth hereby  
‘ appoint C. D. of to be the Proxy of the said [A. B.]  
‘ in [his] Name, or otherwise, and in his Absence, to vote or give his  
‘ Assent to or Dissent from any Business, Matter, or Thing relating to  
‘ the said Undertaking which shall be mentioned or proposed at any  
‘ General or Special General Assembly of the said Company, in such  
‘ Manner as he the said C. D. shall think proper, according to his  
‘ Opinion



‘ Opinion and Judgment, for the Benefit of such Undertaking, or  
 ‘ any thing appertaining thereto. In witness whereof the said  
 ‘ [A. B.] hereunto set [Hand or Common Seal] the  
 ‘ Day of

LXI. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share, and such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Owners or Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *London Gazette* as herein mentioned (as the Case may require); and such Notice to such Person shall be deemed and taken to be sufficient Notice to all the Owners or Proprietors of such Share for all the Purposes for which such Notice is intended to be given.

The Person whose Name stands first as a Joint Proprietor with others, to be deemed the Owner, and be entitled to vote.

LXII. And be it further enacted, That in case any Proprietor entitled to vote at such Meetings as aforesaid shall be a Lunatic or a Minor, such Lunatic shall and may vote at such Meetings by his Committee, or any of his Committees, and such Minor shall and may vote by his Guardian or any of his Guardians, provided that such Committee or Guardian may also vote in right of his own Shares, as well as in the Character of Committee for any Lunatic or of Guardian of any Minor on the same Occasion.

Lunatics and Minors to vote by Committees and Guardians.

LXIII. And for better securing to the several Proprietors of the said Undertaking their respective shares therein, be it further enacted, That the said Company shall and they are hereby required, at some General Meeting, to cause the Names of the several Bodies, and the Names and proper Additions of the several Persons who respectively shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk or Clerks of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and also to cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, every such Proprietor paying to the Clerk or Clerks to the said Company the Sum of Two Shillings and Sixpence, and no

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

[Local.]

8 D

more,

more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such Subscriber, his Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (*videlicet*),

Form of Certificate.

The *Kenyon and Leigh Junction Railway Company*.  
 Number \_\_\_\_\_  
 THESE are to certify, That \_\_\_\_\_ of \_\_\_\_\_ is a Proprietor of the Share Number \_\_\_\_\_ of the \_\_\_\_\_ Railway, subject to the Rules, Regulations, and Orders of the said Company; and that the said \_\_\_\_\_ his Executors, Administrators, (*or* Successors,) and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

For granting new Certificates when old ones are destroyed or worn out.

LXIV. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled or destroyed, and another similar Certificate or Ticket given under the Common Seal of the said Company to the Party in whom the Property of such Certificate or Ticket, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificate or Ticket shall be lost or burnt or totally destroyed, then, upon due Proof thereof, a similar Certificate or Ticket shall be given to the Person who was the Owner of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificate or Ticket (if any such have been made) shall be entered by the said Clerk or Clerks of the said Company in manner herein directed, the said Clerk or Clerks receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

Proprietors may raise an additional Sum, if necessary, by Mortgage.

LXV. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making and maintaining of the said Railway and other Works hereby authorized, and for defraying all necessary Charges and Expences relating thereto, and the said Company shall be desirous of raising a further or additional Sum of Money, it shall be lawful for the said Company, by any Order or Orders of any General or Special General Meeting or Meetings of the said Company, to borrow and take up at Interest any such further or additional Sum or Sums, not exceeding in the whole the Sum of Six thousand two hundred and fifty Pounds, on the Credit of the said Undertaking, as to them shall seem convenient; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign and charge

the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Person, or to his Trustee, who shall advance the same; all which said Mortgages, Assignments, or Charges shall be made, under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

‘ Number . . . . . Form of Mortgage.  
 ‘ BY virtue of an Act passed in the Tenth Year of the Reign of  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of*  
 ‘ *this Act,*] we, the Company of Proprietors of the *Kenyon and Leigh*  
 ‘ *Junction Railway*, incorporated by and under the said Act, in  
 ‘ consideration of the Sum of  
 ‘ to us in hand paid by . . . . . of  
 ‘ do assign unto the said . . . . . his Executors,  
 ‘ Administrators, and Assigns, the said Undertaking, and all and  
 ‘ singular the Rates arising by virtue of the said Act, and all the  
 ‘ Estate, Right, Title, and Interest of, in, and to the same; to hold  
 ‘ unto the said . . . . . his Executors, Admi-  
 ‘ nistrators, and Assigns, until the said Sum of  
 ‘ together with Interest for the same after the Rate of  
 ‘ for every One hundred Pounds for a Year, shall be fully paid and  
 ‘ satisfied. Given under our Common Seal, this  
 ‘ Day of . . . . . in the Year of our Lord . . . . .’

And all the Persons to whom such Mortgages or Assignments shall be made shall, without Preference, be entitled one with the other to their Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of General Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed thereon, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in some Book, to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Persons to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their Rights and Interests therein to any Person whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

‘ I . . . . . of . . . . . in consideration of the Sum of . . . . . Form of Transfer of Mortgage.  
 ‘ . . . . . paid by . . . . . of . . . . . do hereby  
 ‘ transfer a certain Mortgage, Number . . . . . made by the  
 ‘ . . . . . Company

Company of Proprietors of the *Kenyon and Leigh* Railway, to  
 bearing Date the Day of  
 for securing the Sum of and Interest, and all my  
 Right, Estate, and Interest in and to the Money thereby secured,  
 and in and to the Rates and Property thereby assigned to the said  
 his Executors, Administrators, and Assigns.  
 Dated this Day in the Year of our  
 Lord

And every such Transfer shall, within Twenty-eight Days after the  
 Date thereof if executed in *England*, or otherwise within Twenty-  
 eight Days next after the Arrival thereof in *England* if executed  
 elsewhere, be produced to the Clerk or Clerks of the said Company,  
 who shall cause an Entry or Memorial to be made thereof in the same  
 Manner as of the original Mortgage or Assignment, for which such  
 Clerk or Clerks shall be paid such Sum as the said Company shall  
 appoint, not exceeding Two Shillings and Sixpence; and after such  
 Entry made, every Transfer shall retrospectively entitle such Assignee,  
 or his Executors, Administrators, and Assigns, to the full Benefit  
 thereof and Payment thereon; and it shall not be in the Power of  
 any Person who shall have made such Transfer to make void, release,  
 or discharge the same, or any Sum of Money thereon due or thereby  
 secured, or any Part thereof.

Interest of  
 Money bor-  
 rowed to be  
 paid in pre-  
 ference to  
 Dividends.

LXVI. And be it further enacted, That the Interest of the said  
 Money which shall be raised by Mortgage as aforesaid shall be paid  
 half-yearly to the several Persons entitled thereto, in preference to  
 any Dividends payable by virtue of this Act to the Proprietors in the  
 said Company, or any of them, and shall from Time to Time be fully  
 paid and discharged or provided for before the yearly or other  
 Dividends due to the said Proprietors, or any of them, shall be paid,  
 made, or provided for; and in case the same Interest or any Part  
 thereof shall be behind and unpaid by the Space of Twenty-one Days  
 next after the same shall have become due and payable as aforesaid,  
 and the same shall not be paid within Seven Days next after Demand  
 thereof in Writing shall have been made to the said Company, or left  
 at the Office of the said Company, it shall be lawful for Two or more  
 Justices of the Peace acting in and for the said County Palatine of  
*Lancaster*, and they are hereby required, (on Request to them made by  
 or on behalf of any Mortgagee whose Interest shall be so in arrear,) by  
 an Order under their Hands, to appoint some Person to receive the  
 Whole or such Part of the said Rates as are liable to pay such Interest  
 so due and unpaid as aforesaid, and the Money so to be received by  
 such Person is hereby declared to be so much Money received by or  
 to the Use of such Person to whom such Interest shall be then due,  
 until the same, together with the Costs and Charges of recovering  
 and receiving the Rates, shall be fully satisfied and paid; and after  
 such Interest and Costs shall have been paid and satisfied the Power  
 and Authority of such Receiver for the Purposes aforesaid shall cease  
 and determine, or otherwise the said Interest so due and unpaid as  
 aforesaid shall be sued for and recovered, with Costs, by an Action of  
 Debt in any of His Majesty's Courts of Record at *Westminster*.

LXVII. Pro-

LXVII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company, for or on account of his having lent or advanced any Money on such Mortgage or Assignment.

Creditors not to vote.

LXVIII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Six thousand two hundred and fifty Pounds by Mortgage, and shall afterwards be required or be desirous to pay off, or shall have paid off, all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money paid off or to be paid off by them, such Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the Mortgages or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage in such Manner or to such Extent as that more than the Sum of Six thousand two hundred and fifty Pounds in the whole shall be owing at any One Time on Mortgage of the said Rates.

In case Mortgages are paid off, Company may raise the Amount again.

LXIX. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and of executing the same, and all other Expences preparatory or relating thereto; and the Residue and Remainder of such Money shall be applied in or towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining the said Railway, Ways, Wharfs, Quays, Bridges, and other Works, and other the Purposes of this Act.

Application of Money to be raised.

LXX. And be it further enacted, That the said Company shall meet together at some convenient Place within the Town of *Liverpool* within Three Calendar Months next after the passing of this Act, between the Hours of Ten and Three, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First General Meeting of the said Company of Proprietors there shall be a General Meeting of the said Company on the Tenth Day in the Month of *March* in each and every Year, or within the Space of Fourteen Days next thereafter, and also such and so many Special General Meetings of the said Company as shall be called as herein-after provided; of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in some Two or more Newspapers usually circulated in *Liverpool* aforesaid; and which said Notice, if of a Special General Meeting, shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings

First and other General Meetings.

[*Local.*]

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may

may be adjourned from Time to Time and from Place to Place as shall be found expedient.

Treasurer  
and Clerk to  
be appointed.

LXXI. And be it further enacted, That the said Company shall at some General Meeting elect and choose a Treasurer, and One or more Persons as Clerk, for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any Persons who shall be hereafter elected and appointed to their respective Offices; and shall also from Time to Time elect and choose, in manner aforesaid, any other Person to act as Treasurer, or other Person or Persons to act as Clerk of the said Company, in the Room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer appointed by them or their Directors, having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer  
to give Secu-  
rity.

Clerk not to  
be Treasurer,  
&c.

LXXII. Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be Clerk of the said Company, for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

LXXIII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Rules, Orders, and Bye Laws as to them shall 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 and repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, 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 shall 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 are herein-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, shall be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway and Wharfs, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or 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 this Act contained, and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

General Meetings may make Bye Laws.

LXXIV. And be it further enacted, That it shall be competent for every General Annual Meeting, if a Majority of the Proprietors then present shall require it, to call for and examine the Accounts of the said Company, and of the Directors, and of the Treasurer, the Receivers or Collectors of the Rates, and other Officers of the said Company.

Meetings to settle Accounts.

LXXV. And be it further enacted, That at such First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Nine Persons, who shall be Proprietors and respectively possessed in their own Right of Five Shares at the least in the said Undertaking, shall be elected and chosen Directors to manage the Affairs of the said Company by the other Proprietors present at such Meeting, either personally or by Proxy; and of the Directors so elected as aforesaid Three shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *March* in the Year of our Lord One thousand eight hundred and thirty, and until others shall be elected in their Stead in pursuance of this Act.

The First General Meeting to choose Directors.

LXXVI. And

Service of  
Directors.

LXXVI. And be it further enacted, That at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and thirty, Three of the Directors who shall have been so elected as aforesaid, to be chosen by Lot amongst themselves, shall go out of Office and cease to be Directors of the said Company, and Three Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and thirty-one, Three other of the Directors who shall have been so primarily elected as aforesaid, to be determined by Lot amongst themselves, shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* which will be in the Year One thousand eight hundred and thirty-two, the remaining Three of the Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* in every subsequent Year Three of the said Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Director  
going out of  
Office to be  
re-eligible.

LXXVII. Provided always, and be it further enacted, That every Director, who shall by Ballot or Rotation go out of Office on any annual Day of Election, shall be eligible to be immediately re-elected by the said Company a Director of the said Company.

No Person  
holding  
Office to be  
capable of  
being a Di-  
rector.

LXXVIII. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the Company, shall be capable of being chosen, or being such, of continuing, a Director of the said Company.

For supply-  
ing Vacancies  
of Directors.

LXXIX. And be it further enacted, That when and so often as any Director to be elected by this Act shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every other Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to have continued had he lived and remained in Office.

Business at  
Special and  
adjourned  
General  
Meetings.

LXXX. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned Special or General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

LXXXI. Pro-



LXXXI. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Ten Persons present who shall be possessed of or entitled to at least Fifty Shares in the said Undertaking, and by virtue of such Shares entitled to Forty Votes in the Aggregate, within One Hour from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted at that Time; but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days then next; and if such sufficient Number of Proprietors shall not then attend thereat, the said General Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time from Seven Days to Seven Days as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of Proprietors present within the said Period of One Hour, when, and not before, the Meeting shall proceed to Business; and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

General Meeting for choosing Directors to consist of Fifty Shares.

LXXXII. And be it further enacted, That the Directors present at the first Meeting of Directors which shall be held next after the first General Meeting of the said Company, and so at the first Meeting of the Directors which shall be held next after the Annual Meeting in the Month of *March* in each and every Year, or at the first Meeting held next after the Election of the said Three Directors in the Place of the like Number of Directors hereby required to go out of Office by Ballot or Rotation as aforesaid, or the Majority of the Directors then present at such Meeting of Directors, shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors, in like Manner, at the Meeting to be held after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue, if such Death, Resignation, Disqualification, or Cessor had not happened.

Chairman and Deputy Chairman of Directors.

LXXXIII. And be it further enacted, That at all General and Special General Meetings of the said Company, the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence any of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting shall preside as Chairman; and no Director, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting of the said Directors, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a casting Vote, although he may have previously given One Vote.

At Meetings of the Company, Chairman or Deputy Chairman of Directors to preside.

[Local.]

8 F

LXXXIV. Pro-

Directors  
contracting  
for Work, &c.  
disqualified.

LXXXIV. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company, or Chairman or Deputy Chairman of the said Directors, shall at any Time subsequently to his Election accept or continue to hold any other Office, or any Place of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, every such Person shall thereby be disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant.

Powers and  
Duties of  
Directors.

LXXXV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place within *Liverpool* aforesaid, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General or Special Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of the Votes then present; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, as well in contracting for and purchasing Lands, Tenements, and Hereditaments, and Engines and Materials for the Use of the said Undertaking, and in selling Lands, Tenements, and Hereditaments hereby authorized to be sold, as in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing or displacing all and every the Officers, Engineers, Agents, Servants, and Workmen of the said Company, (except the Treasurer and Clerks herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal or displacing of any of the said Officers or Servants, from Time to Time to appoint another in his Place; and in making Contracts and Bargains touching the said Undertaking, the said Directors may require such Security to be given to the said Company from any Officer or other Person for the faithful Execution of his Duty as they may think proper or reasonable; and every such Meeting of Directors shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said Stated General Meetings, and if required to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the said Rates or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person  
whomsoever,

whomsoever, on any Account, for the Use of the said Company, and shall regularly enter in a Book to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which Book shall be deposited with and kept under the Care and Direction of the said Directors.

LXXXVI. And be it further enacted, That Five or more Proprietors of the said Company, holding in the Aggregate Twenty-five Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to at least Two Directors of the said Company, or left at their last or usual Place of Abode, require the Directors of the said Company to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice given or left as aforesaid, the same may be called by such Five or more Proprietors, by giving Fourteen Days Notice thereof in some Two or more Newspapers usually circulated at *Liverpool* aforesaid; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the major Part in Votes of those Proprietors of the said Company met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Meetings of Proprietors may be specially convened.

LXXXVII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors or by the said Company, make out and deliver to the said Directors or Company, or to such Person as they shall respectively for that Purpose appoint, a true and perfect Account, in Writing under his Hand, of all Monies which shall have been by him received by virtue of this Act, and such Accounts shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as, upon the Balance of such Account, shall appear to be owing from him unto the Treasurer of the said Company, or such Person as the said Directors or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors, or to the said Company,

Officers to account.

or

or to such Person as they shall respectively appoint, within Seven Days after being thereunto required by the said Directors, or by the said Company, or by such other Person as last aforesaid, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors, or by the said Company, or by any other Person on their Behalf, to any Justice of the Peace for the County Palatine of *Lancaster*, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Directors or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to the said Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in every of the Cases aforesaid the said Justice may and is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the said County Palatine of *Lancaster*, there to remain without Bail or Mainprize until he shall have made and delivered such Account, and have delivered up the Vouchers and Receipts, if any, relating thereto, and delivered up such Books, Papers, and Writings, if any, as aforesaid, and shall have paid all the Money, if any, which shall appear to be in the Hands of or owing from him, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Directors, or with the said Company, for such Money and Charges, and paid the Composition Money to the said Directors or the said Company, (and which Composition the said Directors and the said Company are hereby respectively empowered to make,) and shall have delivered up all such Vouchers, Receipts, Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Directors or to the said Company: Provided always, that any Person who shall have been committed merely for want of sufficient Distress, or shall remain merely for want of Payment, having satisfactorily accounted and delivered up as aforesaid, shall not be detained in Prison for any longer Space of Time than Six Calendar Months.

LXXXVIII. And

LXXXVIII. And be it further enacted, That the Orders and Proceedings of every Meeting (as well General as Special) of the said Company, and of the Directors, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before the Judges, Justices, and others, and that without Proof of such Meetings being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Directors, as the Case may be.

Orders and Proceedings to be entered in a Book.

LXXXIX. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose; and such Book-keeper shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the Proprietors of the said Company, or any Creditor or Creditors on any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors, or any Creditor or Creditors as aforesaid, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Directors to cause Accounts to be kept.

XC. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special Meeting of Proprietors, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the Company, or by the Proprietor who may be elected Chairman of any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement to be inserted in some Newspaper usually printed or circulated in *Liverpool*, and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Notice of Meetings how to be given.

XCI. And be it further enacted, That the Clerk or Clerks of the said Company shall in some proper Book, to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors (whether Corporations or Individuals) of the said Undertaking, and of the several Bodies and Persons who shall from Time to Time become

Clerk of the Company to keep a List of Proprietors.

[*Local.*]

8 G

Owners

Owners, and Proprietors thereof, or be entitled to any Share therein; and every Proprietor of the said Undertaking (or, being a Corporate Body, by their Clerk or Agent duly appointed,) shall and may at all convenient Times have recourse to, and peruse and inspect the same *gratis*; and may demand and have Copies thereof, or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to inspect or peruse any such Book at all convenient Times and Seasons, or shall refuse to make any such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Directors  
may appoint  
temporary  
Treasurer or  
Clerk.

XCII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from, or quit the Service of the said Company, it shall be lawful for the said Company at their Stated or Special General Meetings, or for the Directors of the said Company, to appoint any other fit and proper Person to execute such Office in the Place of the Person or Persons who shall so die, or be removed from, or quit the Service of the said Company; and in case any such Appointment shall be made by the said Directors, the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person appointed to succeed to such Office as the said Company at such Meeting shall think proper.

Directors  
empowered  
to make Calls,  
and to en-  
force the  
Payment  
thereof;

XCIII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking; 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*; which Monies so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time direct and appoint for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his rateable Proportion of the Monies to be called for as aforesaid, to such Persons, and at such Time and Place, as the said Directors shall from Time to Time direct and appoint; and if any Owner of any such Share shall not so pay such his rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof, up to the Time when the same shall be actually paid; and if any Owner of any such Share shall neglect or refuse so to pay such his rateable or proportionate Part, together with the Interest (if any  
accrue)

accrue) for the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest in manner last aforesaid, to be forfeited in the Manner herein-before directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post unto or left at the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed, either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively holden after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting, the said Company by an Annual or Special General Meeting shall have Power to direct the said Directors to dispose of the Shares so forfeited.

or in case of Neglect to pay such Calls, may declare the Shares to be forfeited, and sell the same.

XCIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or their Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than may be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call and the Interest and Expences attending the same; and, from and after Payment of such Call and the Interest and Expences aforesaid, any Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly and regularly paid.

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrears of Calls, &c. Surplus to be paid to Owners, on Demand.

XCV. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Owner of any Share in the said Undertaking, to recover any Money due to the said Company, or the said Directors, for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant, being a Proprietor

Proceedings in Actions for Calls.

Proprietor of so many Shares in the said Undertaking, is indebted to the said Company or the said Directors in such Sums of Money as the Calls in arrear shall amount to, for so many Calls of such Sums of Money upon so many Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company or to the said Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Share in the said Undertaking, and that such Calls were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company or the said Directors, Plaintiffs therein, shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceed Twenty Pounds for every Share of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Owners and Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

For ascer-  
taining the  
Proprietor-  
ship of  
Shares in cer-  
tain Cases.

XCVI. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him, or his Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him, or his Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases aforesaid, where the Right of Property of any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified, or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons before any of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*, stating the Manner in which such Share hath been passed to such other Person, or to such Body Corporate; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the  
same,



same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Affidavit to be the Owner or Owners of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare such Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made and filed as aforesaid, such Notice as is hereinbefore directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or the Assignees or Trustees of such Proprietor or Proprietors so becoming bankrupt or insolvent, or in the Event of the Share or Shares being disposed of as aforesaid, of the last Proprietor appearing in the Book of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor or Proprietors cannot be ascertained upon Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Share shall be forfeited in manner aforesaid; except only, in case of the Proprietor being abroad, the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at his last or usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

XCVII. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Share pursuant to such Call shall have been fully paid, although the Time limited for Payment thereof may not have expired.

Proprietors  
in arrear not  
to vote.

XCVIII. And be it further enacted, That the Directors shall keep a regular Minute or Entry of their Proceedings; and from Time to Time make Reports to and be subject to the Examination and Controul of the said General and Special Meetings of the said Company as aforesaid; and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Company at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions and Provisions in this Act contained.

Directors to  
be under  
Controul of  
General  
Meeting.

[*Local.*]

8 H

XCIX. And

Directors  
may appoint  
Committees,  
with Power  
to make  
Contracts,  
&c.

XCIX. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint out of their own Body a Committee or Committees; who shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants, in or about the said Undertaking; and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking, which the said Directors themselves are herein-before authorized to do, or such of them as the said Directors shall think proper to intrust to the Care and Management of any such Committee or Committees, (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors for the Time being to order and direct such Compensation or Recompence to the Committee or Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee or Committees, or to remove or displace any of the Members thereof, and to appoint others in their Place and Stead, when and as often as such Directors shall think proper; and such Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested or which shall by the said Directors be vested in any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at the respective Meetings of such Committee, and all Questions shall be decided thereat by the Majority of Votes.

Shares may  
be sold.

C. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to sell and dispose of any Share to which they shall be entitled therein; subject to the Rules and Conditions herein mentioned; and the Form of Conveyance of Shares may be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require:

Form of  
Conveyance.

I, \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum  
of \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_  
do hereby assign and transfer unto the said \_\_\_\_\_  
Share [or Shares, as the Case may be], numbered \_\_\_\_\_  
of and in the Undertaking called "The Kenyon and Leigh  
Junction Railway," to hold unto the said \_\_\_\_\_  
his; or her; or their, Executors, Administrators, and Assigns [or  
Successors and Assigns], subject to the same Rules, Orders,  
Restrictions, and Conditions as I held the same immediately  
before the Execution thereof; and I the said \_\_\_\_\_  
do hereby agree to accept and take the said Share [or Shares],  
subject to the same Rules, Orders, Restrictions, and Conditions.  
As witness our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_

And in every such Sale the Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Clerk of the said Company, who shall enter in a proper Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly; and on Request, a Ticket or Certificate of each Share shall be delivered by him to the Purchaser for his Security, and for which Certificate no more than Two Shillings and Sixpence shall be paid; and after such Deed of Transfer shall have been made and entered as above directed, the Seller of such Share shall thenceforth be released from all Liability in respect of the Share thereby transferred, any thing in this Act contained to the contrary notwithstanding; and until such Memorial shall have been made and entered as above directed, such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

CI. And be it further enacted, That no Person shall sell or transfer any Share which he shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of every such Share, unless he at the Time of such Sale or Transfer shall have paid to the Treasurer of the said Company, or to such Person as the said Director shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

After a Call, no Share to be sold until Call shall be paid.

CII. And, in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company, or the Directors of the said Company, shall and they are hereby 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 this 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, up to that Period; and at the next subsequent yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such yearly Meeting shall declare otherwise, and such Dividend shall 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 shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the yearly General Meeting which shall be holden next after the Expiration of Two Years from the passing of this Act; provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired,

As to making up Accounts and Divisions of Profits annually.

impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call have been paid.

Regulation  
as to Acqui-  
sition of  
Shares.

CIII. And whereas by the Deaths of or other after-mentioned Events happening to Proprietors, or the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking, in Right of Marriage with any Female Proprietor, shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particular of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to or solemnly affirmed by some credible Person before some Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person who shall claim any Part of the Profits of the said Undertaking, by virtue of any Bequest or Will or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator or Intestate, shall be made and sworn to or solemnly affirmed to by the Executors of the said Will or the Administrators of the Intestate, before some Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share of the said Railway shall pass from any Proprietor thereof to any other Person, by any other legal Means than by a Transfer and Conveyance thereof, duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person before some Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the Clerk of the said Company shall be entitled to receive for each and every such Entry as is herein-before directed the Sum of Two Shillings and Sixpence, and no more; and that the said Company shall not be bound to see to the Execution of any Trust (whether express or constructive) to which any Share aforesaid shall be subject or liable.

CIV. And

CIV. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway, or upon or along any Part thereof, the Rates or Tolls herein-after mentioned; (that is to say,)

Rates of  
Tonnage.

For all Limestone and Lime, Coal, Coke, Culm, Charcoal, Cinders, Stone, Sand, Clay, Building Pitching and Paving Stones, Flags, Bricks, Tiles, and Slates, and for all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of the public Roads and Highways, any Sum not exceeding Sixpence *per* Ton for any Distance :

For all Sugar, Corn, Grain, Flour, Dye Wood, Timber, Staves, Deals, Lead, Iron, and other Metals, and for all Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, or Things; any Sum not exceeding One Shilling *per* Ton for any Distance.

CV. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to demand, receive, and recover, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Gigs, Landaus, Waggon, Carts, and other Carriages which shall be used on the said Railway for the Conveyance of Passengers or Cattle, the several Tolls herein-after mentioned; (that is to say,)

Power to  
take Tolls for  
Coaches and  
other Car-  
riages going  
along the  
Railway.

For every Person passing in or upon any such Carriage, any Sum not exceeding Sixpence for any Distance :

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Neat Cattle, carried in or upon any such Carriage, any Sum not exceeding Sixpence for any Distance :

For every Calf, Sheep, Lamb, or Pig, carried in or upon any such Carriage, any Sum not exceeding One Penny for any Distance.

CVI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the said Rates or Tolls shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained therein; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered a full Quarter of a Ton.

Regulations  
as to frac-  
tional Parts  
of a Ton.

CVII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and as often as they shall think fit, to lessen and reduce all or any of the Rates or Tolls by this Act authorized to be taken for or in respect of all or any of the Articles or Things in this Act specified or mentioned, which shall be conveyed upon the said Railway, or any Part thereof respectively, and afterwards from Time to Time again to raise, advance, and vary the same or any of them, so as not at any Time to exceed the Amount by

Power to  
reduce the  
Tolls.

[*Local.*]

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this

this Act authorized to be collected, subject to the Regulations in this Act contained relating to the same.

Company empowered to regulate and fix the Toll of small Parcels.

CVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General Meeting of the said Company to be held as is herein-before directed, to make such Orders for ascertaining and fixing the Price or Sum to be charged or taken by the said Company as Toll for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight,) upon the said Railway or any Part thereof respectively; and from Time to Time to repeal, alter, and vary the said Tolls, as to them shall seem reasonable and proper.

List of Tolls to be fixed in conspicuous Places.

CIX. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed, and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Public Wharf, and to or upon every Stop Gate or Toll House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and of the Prices or Sums of Money to be taken for the Carriage of Parcels (not exceeding Five hundred Pounds Weight as aforesaid,) upon the said Railway or any Part thereof respectively; and in case any Owner or Master of or Person having or assisting in the Charge of any Waggon or other Carriage passing upon the said Railway; or any Collector of the Rates or Tolls aforesaid, shall, after and whilst such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Tolls only payable whilst Board remains.

CX. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Carriage, Passenger, Horse, Beast, or Cattle, but for and during such Time as the Board on which such Rates or Tolls shall be so painted as aforesaid shall remain affixed to every Public Wharf, Stop Gate, or Toll House on the said Railway as aforesaid.

Penalty on wilfully destroying, &c. Boards.

CXI. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates may have been painted as aforesaid, or shall concur or aid therein, he shall, on Conviction, forfeit and pay to the said Company a Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

For preventing Toll Collectors misbehaving.

CXII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Stop Gate, Toll House, or Toll Gate whereat he shall be on Duty, immediately on his coming on Duty, (each of the

Letters of such Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground,) and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of such Tolls or Rates shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Toll or Rate from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll or Rate from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall not permit or suffer any Person to read, or shall in anywise hinder any Person from reading, the Inscription on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the legal Toll or Rates, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll or Rate Duty being paid or tendered shall unnecessarily detain or wilfully obstruct or prevent any Passenger from passing through any Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

CXIII. And be it further enacted, That the Rates of Tonnage and Tolls or other Sums hereby authorized and made payable shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations as the said Company at some General or Special Meeting, or as the said Directors, shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as may have accrued due unto the Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to the Sum of Ten Pounds or upwards, sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record; or the Persons to whom such Rates or Tolls ought to have been paid may and they are hereby respectively empowered to seize the Goods, Chattels, and other Things for or in respect whereof any such Rates or Tolls ought to be or to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates or Tolls so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein-before mentioned.

Recovery of Rates.

CXIV. Pro-

For settling  
Disputes  
about the  
Amount of  
Tolls.

CXIV. Provided also, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or (as the Case may require) the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the said County Palatine of *Lancaster*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or (as the Case may be) of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Power to  
lease Tolls.

CXV. And be it further enacted, That it shall be lawful for the said Company, at any of their General Meetings, by Writing under their Common Seal, at any Time to let to farm the Rates or Tolls hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Person for any Term which the said Company shall think proper, not exceeding Seven Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid and effectual; and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of the Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided that public Notice of the Intention to let the said Rates or Tolls, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement, published in some Newspaper circulated within the said County Palatine of *Lancaster*, at least Thirty Days prior to any General Meeting at which it may be in Intention or proposed that the said Rates or Tolls, or any Part thereof, shall be let, or be proposed to be let as aforesaid.

Notice of  
Intention to  
let the same  
to be given.

Owners of  
Waggons to  
give Account  
of Lading.

CXVI. And, for the better ascertaining and more easily collecting the said Rates and Tolls, be it further enacted, That the Owner, or Person having the Care of every Waggon or other Carriage passing upon the said Railway, or upon any Part thereof, shall give an exact and true Account in Writing, signed by him, unto the Collector of the Rates and Tolls at the Place where he shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be



be in the Waggon or other Carriage so belonging to or under his Care, and with respect to such Waggon or other Carriage, from whence brought, and where the same may be intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates or Tolls, then such Owner or other Person shall specify the respective Quantities liable to each or any of the said Rates or Tolls; and in case he shall neglect or refuse to give and deliver such an Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to avoid the Payment of the said Rates or Tolls, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the said County Palatine of *Lancaster*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage, of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid (as the Case shall happen), over and above the Rate or Toll to which such Articles or Things may be liable.

CXVII. And, for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates or Tolls, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight, and that Twenty such Hundred Weights shall be deemed, rated, or estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall for the Purposes of this Act be deemed, rated, or estimated as for One Ton Weight; any Usage to the contrary notwithstanding.

Weight of  
Tonnage  
ascertained.

CXVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any Toll-keeper, Officer, or Servant of the said Company; and any Owner of or Person having the Charge of any Waggon or other Carriage passing over or along the said Railway or any Part thereof, or any Goods or other Things in or on such Waggon or Carriage, it shall be lawful for any such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein or thereon; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Waggon or other Carriage, and the respective Owners of such Goods and other Things, shall also, at the Option of the said Company, be

If any Differ-  
ences con-  
cerning  
Weight, Col-  
lector may  
weigh or  
measure  
Waggon.

[*Local.*]

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liable

liable to pay, the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by and in such respective Ways and Manner as the said Rates or Tolls are herein authorized to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Waggon or Carriage, and to the respective Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the County Palatine of *Lancaster*, on the Oath of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods or other Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid, (as the Case may be,) by a Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid, (as the Case may be.)

Owners to  
put their  
Names on  
the outside  
of their  
Waggons.

CXIX. And, for the better Regulation of the Owners of such Waggons and other Carriages, and of Persons employed by and under such Owners respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner of every Waggon or other Carriage passing along the said Railway or any Part thereof shall cause his Name and Place of Abode, and the Number of his Waggon or other Carriage, to be entered with the Clerk of the said Company; and shall also cause such Name and Place of Abode and Number to be painted and continued in large White Capital Letters and Figures on a Black Ground Two Inches in Length at least, and of a proportionate Breadth; on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View; and shall permit and suffer every such Waggon and other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them, or by any Person appointed by them for that Purpose; and shall mark and continue in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part of the Outside thereof; and all Owners of or other Persons having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or any Part

Part thereof, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Gauge and Weight, and such Names, Residence, and Figures marked thereon respectively as herein-before directed, or who shall alter, erase, deface, or hide such Gauge and Weight, and Names, Residence, and Figures, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, Residence, or Figure, or shall refuse to permit or suffer any such Waggon or other Carriage to be gauged, weighed, and measured, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

CXX. And be it further enacted, That the respective Owners of Waggons or other Carriages passing upon the said Railway or any Part thereof shall be and they are hereby made answerable for any Trespass, Damage, Spoil, or Mischief which may be done by their Waggons or other Carriages, or by any of the Waggoners or Drivers, or other Persons belonging to or employed by them in or about the same, to the said Railway, or to any Bridges, Engine, Embankment, Cutting, Inclined Planes, or other Works or Conveniences made by virtue of this Act, either by loading or unloading such Waggons or other Carriages, or by any Means whatsoever; and such Owners shall, for every such Trespass, Damage, Spoil, or Mischief, upon Conviction of any such Waggoner, Driver, or other Person before some Justice of the Peace, either by the Confession of the Party offending, or by the Oath of some credible Witness, pay to the said Company, or to the Person injured, the Damages to be ascertained by such Justice, so that the same do not exceed Twenty Pounds, and shall also, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the respective Owners of such Waggons or other Carriages, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, and Costs, together with the Costs and Charges of such Distress and Sale, shall be returned upon Demand to the Owners of such Goods and Chattels; but if the Value or Amount of such Trespass, Damages, Spoil, or Mischief shall exceed the Sum of Twenty Pounds, the respective Owners of such Waggons or other Carriages, and their Executors or Administrators, may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against them, either on Proof made or by Default or upon Demurrer, the Plaintiff in any such Case or Suit shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners of Waggons to be accountable for Damage done by their Servants.

CXXI. Provided always, and be it further enacted, That in case any Owner of any Waggon or other Carriage passing upon the said Railway shall be compelled to pay any Penalty, or to make any Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of any of his Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, (as the Case may be,) with the Costs attending the same, to such Owner; and in

Owners to recover back from their Servants any Sum paid for their Neglect, &c.

case

case of Nonpayment thereof on Demand, and Oath made by such Owner of the Payment by him of such Penalty and Satisfaction, or either of them, (as the Case may be,) and that the same have not or hath not been repaid to him by such Servant, although demanded, (such Oath being made before some Justice of the Peace for the County or Place in which such Penalty or Damages was or were incurred,) such Penalty and Satisfaction, or either of them, (as the Case may be,) and the Costs aforesaid, shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, (as the Case may be,) and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in Discharge of such Penalty and Satisfaction, or either of them, and the Costs so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to the Common Gaol or House of Correction for the said County or other Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on  
Persons ob-  
structing the  
Passage of  
Waggons.

CXXII. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or other Carriage using the said Railway to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon, or shall leave or place any such Waggon or other Carriage, or shall permit the same to be left or to remain, on any Part of the said Railway or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately remove the same so as to make a free Passage for other Waggons or other Carriages passing thereon respectively, every such Person, or, at the Option of the said Company, the Owner of such Waggon or other Carriage so loaded, left, or placed, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

Penalty on  
Persons ob-  
structing free  
Course of  
Railway.

CXXIII. And be it further enacted, That if any Person shall throw, place, or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he shall forfeit and pay not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on  
destroying  
Works.

CXXIV. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Injury of the said Undertaking or of the Company, injure, damage, break, throw down, destroy, steal, carry, or take away any Part of the said Railway, or other Works to be erected and made by virtue of this Act, or any Part of the Materials of any such Works, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as in Case of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority

Authority to cause such Person to be transported for the Term of Seven Years, or in mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

CXXV. And be it further enacted, 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 Waggon or other Carriages passing upon or along the said Railway, and for or relating to the Power to be used for propelling such Waggon or Carriages or any of them, and also for or relating to the Speed with which they shall travel, and also for the loading thereof respectively, and for passing along or using the said Railway or other Works hereby authorized, and also for the Delivery of Goods, Merchandize, and other Matters and Things which shall be carried or conveyed in or upon such Waggon or other Carriages, and generally for using and working such Railway; 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 such Justices shall be binding upon and be conformed to by the said Company, and by the Owners of and Persons having the Care or Conduct of such Waggon or other Carriages, and by all Persons using or working the said Railway, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Defalcation.

Company to regulate the Passage on the Railway.

CXXVI. And be it further enacted, That if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain in any Part of the said Railway or other Works, so as to obstruct the Passage or working thereof, and the Person having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Clause in this Act contained, such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of or belonging to the said Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Articles, Matters, or Things, or any Part thereof, until the Charges occasioned by such unloading or Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any Damage, Loss, or Injury occasioned by any such unloading or Removal, or for any Delay occasioned thereby, nor in any other Way relating thereto, except for wilful Damage done to any such Waggon, Carriage, or Goods so unloaded or removed, nor shall they be liable for the safe Custody of any such Waggon or other Carriage, or any Article, Matter, or Thing which shall be so

Penalty for obstructing Railway by leaving Waggon, &c.

[*Local.*]

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removed,

removed, unless the same shall be wrongfully detained by the said Company, and then only so long a Time as the same shall be so detained.

Company to erect Gates, Bridges, &c. under Direction of Two Justices of the Peace.

CXXVII. And be it further enacted, That the said Company shall, at their own Expence, Costs, and Charges, after any Part of the said Railway shall be laid out and formed, forthwith make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon or next to the said Railway, and such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the County Palatine of *Lancaster* shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time and at all Times hereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and for the Purposes of enabling the said Company to form, make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain and support the same, the said Company, their Deputies, Stewards, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages across or along such Lands or Grounds, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make, erect, or set up, or to maintain and support, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, or (as the Case may be) to maintain, repair, and support such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages as the said Justices shall have so ordered to be maintained, repaired, or supported, as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway,

Remedy in case of Default.

or any Buildings or other Things hereby authorized to be made and erected by the said Company, shall not be obstructed for any longer Space of Time or be injured in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so erected and made, repaired, or maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing thereof shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Person to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no Bridge or Arch shall be required to be erected or made, or shall be erected or made, over or under the said Railway or any Part thereof, at or in any Place or Manner at or in which the same would if so made prevent, hinder, or obstruct the working or using of the said Railway.

CXXVIII. Provided always, and be it further enacted, That if any of the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company are insufficient, either in Number or Situation, for the commodious Use or Occupation of the respective Lands and Hereditaments through which the said Railway shall pass, then and so often and in any such Case it shall be lawful for any such Owner or Occupier (with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Twenty Days next after such Request, with the Consent and Approbation of the said Justices,) to make, fix, and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, in, upon, along, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Alteration, Improvement, or Occupation of such Lands and Hereditaments, which shall thenceforth be repaired and supported by and at the

Owners of Lands empowered to erect Gates, &c. on Insufficiency of those erected by the Company.

the Costs and Charges of the respective Occupiers for the Time being of the respective Lands or Hereditaments, the respective Owners or Occupiers of which shall have erected the same, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

Owners and Occupiers of adjoining Lands to pass along Railway without paying Toll.

CXXIX. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands through which the said Railway shall be made, and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway as shall be made in or upon the same Lands, and also along and upon the same so far only as their own Lands extend and adjoin thereto, not damaging or obstructing the same, or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass across, along, or upon any other Part of the said Railway; provided also, that it shall be lawful for the respective Occupiers of Lands through which the said Railway shall be made, and 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 so far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof.

Passage on the Railway to be free on Payment of Tonnage.

CXXX. And be it further enacted, That all Persons shall have free Liberty to use with Carriages all Roads, Ways, and Passages, for the Purpose of conveying Goods, Wares, Merchandize, or other Things; or Passengers or Cattle, to or from the said Railway and every Part thereof, and also to pass along and upon and use the said Railway with Carts, Waggons, or other Carriages, properly constructed as herein-after mentioned, upon Payment only of such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates and Tolls herein-before mentioned or referred to, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Penalty for driving Cattle on Railway.

CXXXI. And be it further enacted, That if any Person (save and except the said Company and their Agents and Servants employed by them only for the Purposes of the said Railway) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving, upon such Railway or on any Part thereof respectively, (without the Licence and Consent of the said Company,) any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven, or aid or assist in leading or driving thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Places to be appointed for that Purpose, and except also in passing along the same as aforesaid, for the necessary Occupation of the respective Lands through which the said Railway may be laid,) then and in every such Case every Person so offending shall



shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings nor less than Twenty Shillings for every such Offence.

CXXXII. And whereas it might be very injurious to the said Railway, and the Works thereof, and inconvenient and dangerous to the Public, if the Railway by this Act authorized to be made were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person shall travel or pass on Foot upon the said Railway without the Licence and Consent of the said Company (except for the Purpose of attending any Waggon, Cart, or Carriage under his Care, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same, as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made), every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every such Offence.

Penalty on Persons travelling on Foot on the Railway.

CXXXIII. And be it further enacted, That no Person shall pass upon the said Railway with any Waggon or other Carriage unless the same shall be constructed agreeably to the Orders Regulations and approved of by the Engineer of the said Company, which Orders and Regulations, ratified as aforesaid, shall be fixed on a conspicuous Part of every Toll House erected on such Railway for collecting the Rates and Tolls by this Act imposed, (except in crossing or passing along the same as herein-before authorized, for the convenient Occupation of the respective Lands through which such Railway shall be laid, and passing any public or private Carriage Road which may happen to cross the said Railway); and if any Person shall pass upon any Part of the said Railway with any Waggon or other Carriage not constructed in the Manner herein-before directed (except as aforesaid), he shall forfeit and pay to the said Company any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Waggons not to be used on Railway unless constructed according to Directions of Company.

CXXXIV. And be it further enacted, That no Waggon or other Carriage shall carry at any one Time along or over any Part of the said Railway, including the Weight of such Waggon or Carriage, more than Four Tons Weight, except in any one Piece of Timber, Block of Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Waggon or Carriage, and for the Tonnage or Carriage of which the said Company are hereby authorized to use and take such Rates as they may from Time to Time direct or appoint, not exceeding Four-pence *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon or along the said Railway or any Part thereof respectively, without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company or their Agents are

Limiting Weights to be carried upon Railway.

[*Local.*]

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hereby

hereby authorized to receive and take such Rate or Tonnage as they or he may deem reasonable and proper.

For fencing  
off Railway  
from private  
Lands.

CXXXV. Provided always, and be it further enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway and other Works, to divide and separate the same, and keep the same constantly divided and separated, from the Lands or Grounds adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands or Grounds adjoining to such Railway and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of erecting Gates across the same as aforesaid; and the said Company shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands or Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually, to all Intents and Purposes, as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

Persons to  
shut Gates  
after having  
passed  
through  
them.

CXXXVI. And be it further enacted, That every Person opening any Gate set up across the said Railway shall and he is hereby required, so soon as he and the Waggon or other Carriage under his Care, or which he may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and the Money arising by such Forfeiture or Forfeitures shall be applied in manner following; (that is to say,) One Half Part thereof shall be paid to the Informer, and the Residue to the Poor of the Township wherein such Offence shall be committed.

Owners of  
adjoining  
Lands may  
lay down  
collateral  
Branches.

CXXXVII. And be it further enacted, That it shall be lawful for the Owners or Occupiers of the respective Lands or Grounds adjoining or lying near to the said Railway, or for all other Persons, to lay down, either upon their own Lands or upon the Lands of any other Persons, with the Consent of such other Persons, any collateral Branches from their respective Lands or Grounds, to communicate with the other Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Hedges or Flanches of the said Railway, for effecting such Communication, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the Company shall not receive any Tonnage or Toll for the passing of any Goods or other Things

Things along any such Branches so to be made by any such Owner or Occupier or Person as aforesaid.

CXXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Land or Ground lying adjoining or near to the said Railway from making any Railroad, common Road, or Watercourse to, from, or across the said Railway hereby authorized to be made, and to use such first-mentioned Railway, common Road, and Watercourse for the Benefit of himself and of all other Persons to whom he may from Time to Time give Leave, so that such Tramroad, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway hereby authorized to be made by the said Company.

Roads may be made across the Railway by the Owners of adjoining Lands.

CXXXIX. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, in the Name of the said Company or of such Person or Persons as they shall for that Purpose appoint, to contract and agree with any Person for making the said Railway or any Part thereof, or any other of the Works hereby authorized to be made or done by the said Company, and that in such Manner, and for such Sums, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company or any of the Parties failing in the Execution thereof.

Company may contract for Works.

CXL. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands or Grounds adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands or Grounds; and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived thereby of as easy Access as before to their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, and Streams, or Springs of Water, as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, on, in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over,

Company to make sufficient Drains and Watering Places.

over, and Tunnels for the same respectively, as any Two or more Justices of the Peace for the said County Palatine of *Lancaster* shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Purposes of conveying Water from such River, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains and other Passages shall from Time to Time be supported, maintained, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made, are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, from Time to Time as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered, at their Discretion, to make and grant such Orders as aforesaid,) enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company, or upon their Clerk or Treasurer, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Directing what shall be good Service of Notice upon the Company.

CXLI. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

All Notices to be given by the said Company to be signed by their Clerk.

CXLII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing or in Print, signed by the Clerk for the Time being of the said Company, or by the Treasurer of

of the said Company, without being required to be under the Common Seal of the said Company.

CXLIII. Provided also, and be it enacted, That unless the said Company shall within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued, and pay for, as in this Act is mentioned, the Lands, Tenements, or Hereditaments which they are by this Act empowered to purchase (or otherwise so much thereof as shall be by them deemed necessary and proper), for the Purposes of making the said Railway or other Works hereby authorized, save and except the aforesaid Ten Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands hereby authorized to be purchased for the Purpose of making and completing the said Railway and other Works, then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly null and void.

If Land not contracted for in Five Years, Powers to cease.

CXLIV. Provided always, and be it further enacted, That in case the said intended Railway shall not have been completed and made (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway and Works as shall have been declared and certified to be completed within the said Term by the Justices of the Peace of the said County Palatine of *Lancaster* assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, to be produced before them for that Purpose.

If Railway not completed in Seven Years, Powers to cease, except as to such Part (if any) as shall be completed.

CXLV. Provided always, and be it further enacted, That if the said Railway hereby authorized to be made, or any Part thereof, shall at any Time hereafter be abandoned or given up by the said Company, or after the same shall have been completed shall for the Space of Three Years cease to be used and employed as a Railway, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof over which the said Railway, or any Part or Portion of such Railway which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following; (that is to say,) one Moiety thereof in the Owner or Owners of the Land on the one Side, and the other Moiety thereof in the Owner or Owners of the Land on the other Side thereof.

If Railway abandoned by the Company, the Land to revert to the former Owners.

CXLVI. And be it further enacted, That in case any of the Rates or Tolls arising by virtue of this Act shall be demised or let to farm

Power of Re-entry.

[Local.]

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to

to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any Day on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates or Tolls; or in case any temporary or other Collector of the said Rates or Tolls or any of them shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself; and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector who shall die or abscond, absent himself, or be discharged, or any other Person, being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for or within the Space of Three Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Building or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, (upon Application made by the said Directors, or by the Treasurer or Clerk for the Time being of the said Company,) by Warrant under the respective Hands and Seals of such Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Buildings, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Farmer, or other the Person or Persons who shall be found therein, together with his or their Goods, from or out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Company or their Agent, or their new Lessee, Farmer, or Collector, into Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting; and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligation, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company or Directors in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates or Tolls to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

CXLVII. And be it further enacted, That if any Person shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace, touching any Matter or Facts contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Charges, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation,) or to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For compelling Witnesses to attend.

CXLVIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also all Prosecutions commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, with the Approbation of the said Directors, and in the Name of such Clerk for or on behalf of the said Company, to make, sign, seal, execute, and deliver such General or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, and also to do (with the Approbation aforesaid) any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Clerk of the Company may grant Releases to Witnesses.

CXLIX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovery whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said County Palatine of *Lancaster*, on Complaint to them for that Purpose made upon the Oath or Affirmation of any Person, or upon the Confession of the Party offending, which Oath or Affirmation such Justices are hereby authorized to administer; and in default of Payment of any such Penalties

Recovery and Application of Penalties.

Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be distrained, (the reasonable Charges of such Distress and Sale being first deducted); and One Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the Remainder to the Treasurer of the said Company, unless such Penalties and Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseer for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby authorized and required to order the Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before such Justices, or before some other Justices of the Peace for the said County, on such Day as shall be appointed for the Return of such Warrant of Distress, (such Day not to be more than Seven Days from the taking of any such Security,) and which Security the said first-mentioned Justices are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for the County within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

CL. And be it further enacted, That when and as often as any Sum of Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever done or committed by the said Company, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Parties entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice, and in which



which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act; or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Sum of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus of the Monies arising from such Sale shall be returned, on Demand, to the Treasurer of the said Company, for the Use of the said Company, or of their Treasurer for the Time being, (as the Case may be): Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

PAID TO  
RECOVERED  
WARRANT

CLI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by Two Justices of the Peace for the said County Palatine of *Lancaster*, by or before whom any Offender shall be convicted of any such Offence, who are hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Two Justices.

CLII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justice may proceed by Summons in the Recovery of Penalty.

CLIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress

Persons aggrieved by Irregularity

in Distress  
to recover  
Damages.

itself shall not be deemed unlawful, nor any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereunto, nor shall any Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but all Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

For securing  
transient  
Offenders.

CLIV. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the said County Palatine of *Lancaster*, without any other Warrant or Authority than this Act for so doing, and such Justice is hereby empowered and required to proceed immediately to the Conviction or Acquittal of every such Offender.

Form of  
Conviction.

CLV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; *videlicet*,

‘ to wit. } BE it remembered, That on the                      Day of  
‘                      } in the Year of our Lord                      A. B.  
‘ is convicted before me, C. D., One of His Majesty’s Justices of the  
‘ Peace for the County of                      [specifying the Offence and the  
‘ *Time and Place when and where the same was committed, as the Case*  
‘ *may be,*] contrary to an Act passed in the Tenth Year of the Reign  
‘ of King George the Fourth, intituled [here set forth the Title of this  
‘ Act]. Given under my Hand and Seal, the Day and Year first  
‘ above written.’

Persons ag-  
grieved may  
appeal to  
Quarter  
Sessions.

CLVI. And be it further enacted, That all Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Directors, or the said Company of Proprietors, or all other Bodies or Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be holden for the County where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, (as the Case may be,) and

and forthwith after such Notice entering into Recognizance before some Justices of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

CLVII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Rules, Orders, and Bye Laws of the said Company, the Production of a written or printed Paper, purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws; and it shall be sufficient to prove that a Board, painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged, hath been replaced by another such Board, as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Railway and Wharfs, in manner by this Act directed.

Authenticated Bye Laws to be Evidence.

CLVIII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceedings whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CLIX. And be it further enacted, That no Action or Suit, or any Information or other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after

Limitation of Actions.

after the Fact committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant; and upon which Verdict, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of his Action, Suit, or Information after the Defendant shall have appeared, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Saving of Rights.

CLX. 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 or enjoyed by the King's most Excellent Majesty, His Heirs and Successors, as well in right of His Crown as in right of His Duchy of *Lancaster*, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Liverpool and Manchester Railway*, in and by an Act passed in the Seventh Year of the Reign of His present Majesty, 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*; and also in and by another Act passed in the Seventh and Eighth Year of the Reign of His said present Majesty, intituled *An Act for amending and enlarging the Powers and Provisions of an Act relating to the Liverpool and Manchester Railway*; and also in and by another Act passed in the Ninth Year of the Reign of His said present 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*; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Bolton and Leigh Railway*, in and by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tramroad from or near the Manchester, Bolton, and Bury Canal, in the Parish of Bolton-le-Moors, to or near the Leeds and Liverpool Canal, in the Parish of Leigh, in the County Palatine of Lancaster*; and in and by another Act passed in the Ninth Year of the Reign of His said present Majesty, intituled *An Act for amending and enlarging the Powers and Provisions of an Act relating*

7 G. 4. c. 49.

7 & 8 G. 4. c. 21.

9 G. 4. c. 7.

6 G. 4. c. 18.

9 G. 4. c. 8.

relating

*relating to the Bolton and Leigh Railway*; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Leeds and Liverpool Canal*, in and by the various Acts passed relating to such Canal; but saving and reserving to all such Bodies Politic or Corporate, and other Persons aforesaid, all their several and respective Rights, Privileges, and Franchises, and also saving and reserving all such Powers, Authorities, and Provisions in the said Acts respectively contained, as if this Act had not been passed.

CLXI. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

## SCHEDULE referred to by the foregoing Act.

Owners.	Occupiers.	Description of Property.
<i>Township of Pennington in the Parish of Leigh.</i>		
Thomas Jones - -	Thomas Jones - -	{ Meadow Lands, House, Out-buildings, Garden, Yard, and small Plantation.
Benjamin Gaskell, Esq.	John Horrocks - -	{ Bradshaw Leech House, Out-buildings, Garden and Yard.
William Shakeshaft -	James Hodgkinson -	{ Cottage, Garden, and Occupation Road.
Mrs. Bradford - -	Arthur Dickinson -	House and Garden.
<i>The Township of Kenyon in the Parish of Winwick.</i>		
The Earl of Wilton -	Ellen Silcock - -	House, Garden, and Croft.
The same - -	Mary Walpole - -	House, Garden, and Crofts.

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