



ANNO NONO

# GEORGH II. REGIS.

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## *Cap. viii.*

An Act for amending and enlarging the Powers and Provisions of an Act relating to the *Bolton and Leigh* Railway. [26th *March* 1828.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from and 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, all in the County Palatine of Lancaster*, whereby certain Persons were incorporated, and were created One Body Politic or Corporate, by the Name and Style of "*The Bolton and Leigh Railway Company*," for the Purposes of making such Railway or Tramroad, and the Two Collateral or Branch Railways or Tramroads in the said recited Act mentioned, and the other Works by such Act authorized and required: And whereas by the said recited Act the said Company were authorized to raise and contribute amongst themselves, in such Proportions as they should think proper, a competent Sum of Money for making and completing the said Railways or Tramroads, and other the Works belonging or requisite thereto, not exceeding in the whole the Sum of Forty-four thousand Pounds: And whereas by the said recited Act the said Company were authorized to borrow any Part or Parts of the said original Sum of Forty-four thousand Pounds which might not have been subscribed before the passing of the said recited Act, upon Promissory Notes under the Common Seal

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of the said Company, or to raise any Part or Parts of the said original Sum of Forty-four thousand Pounds by Mortgage of the said Undertaking in the Manner in such Act directed; but the said Company were not empowered to raise any further or additional Sum of Money in case the said Sum of Forty-four thousand Pounds should be found insufficient for making, completing, and maintaining the said Railways or Tramroads, and other the Works by the said recited Act authorized to be made: And whereas the whole of the said Sum of Forty-four thousand Pounds, authorized by the said Act to be raised, hath been subscribed for, but hath not yet been wholly raised, and the said Company have not borrowed any Part of the said Sum, either upon their Promissory Notes or upon Mortgage of the said Undertaking: And whereas the said Company have proceeded in the Execution of the said recited Act, and hath made great Progress in laying down and making the said Railways or Tramroads, and other Works thereby authorized to be made; and the said Company find that the said Sum of Forty-four thousand Pounds, authorized to be raised by the said recited Act, will not be sufficient to finish and complete the said Railways or Tramroads and other Works, and it is expedient that the Company should be empowered to raise a further or additional Sum of Money for such Purposes; and it is also expedient that several of the Powers and Provisions contained in the said recited Act should be respectively altered, enlarged, amended, and repealed in the Manner herein-after mentioned, and that further Powers should be given to the said Company: And whereas the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever in the said recited Act (except such Parts thereof as are varied, altered, and repealed), shall be as good, valid, and effectual, for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this present Act.

Powers of recited Act extended to this Act, except as herein repealed.

The Company to raise the further Sum of 25,000*l.* amongst themselves, or by the Admission of new Subscribers.

II. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered to raise amongst themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or by such other Ways or Means as are herein-after mentioned; any further Sum or Sums of Money, not exceeding in the whole the Sum of Twenty-five thousand Pounds over and above the Sum authorized to be raised by the said recited Act, and all and every new Share or Shares to be created in consequence thereof shall be deemed Personal Estate, and shall be transmissible as such; and all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall subscribe for or towards raising the said new Shares, or who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively as aforesaid, shall be and they are hereby

hereby declared to be the Owners and Proprietors of the said new Shares in the said Undertaking, and are hereby united to and incorporated with the said Company of Proprietors.

III. Provided always, and be it further enacted, That it shall be lawful for the said Company, after the Order or Direction of any General or Special General Meeting of the said Company authorizing them so to do, but not otherwise, to borrow and take up, at Interest, from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to lend the same, the Whole or any Part of the said Sum of Twenty-five thousand Pounds, as to them shall seem meet and convenient, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and to secure the Repayment thereof, with Interest, by Bonds under the Common Seal of the said Company, payable at such Day or Days as the said Company and the Person or Persons lending Money may mutually agree upon; and all and every the Person or Persons to whom such Bond or Bonds shall be executed shall be equally entitled to be paid out of the Rates, Tolls, and Duties, or other Effects of the said Company, according to the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference by reason of the Priority of Date thereof; and an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name or Names of the Person or Persons, with their proper Additions, to whom the same shall have been made or given, and of the Sum borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in a Book or Books to be kept by the Clerk or Clerks of the said Company of Proprietors, which said Book or Books shall and 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 and every the Person and Persons to whom any such Bond or Bonds shall have been made and given as aforesaid, or who shall be entitled to the Monies due thereon, shall and may from Time to Time transfer his, her, or their Interest therein to any Person or Persons whomsöever; which Transfer shall or may be in the Words or to the Effect following; (that is to say,)

Company may raise the said Sum of 25,000*l.* or any Part of it on Bond.

Bonds may be transferred.

‘ I [or We,] of Pounds, paid  
 ‘ in consideration of the Sum of do hereby  
 ‘ by of do hereby  
 ‘ transfer a certain Bond, Number entered into by the  
 ‘ Company of Proprietors of the *Bolton and Leigh* Railway, with  
 ‘ of bearing Date the  
 ‘ Day of for securing the Sum of  
 ‘ Pounds, with Interest after the Rate of *per*  
 ‘ *Centum per Annum*, and all my [or our] Right, Interest, and  
 ‘ Property therein, to of his [or  
 ‘ her] Executors, Administrators, and Assigns. Dated this  
 ‘ Day of in the Year of our Lord

Form of Transfer of Bond.

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Company, who shall

Transfers to be registered.

shall cause an Entry or Memorial thereof to be made in the same Manner as of the original Bond or Bonds, for which the said Clerk 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 entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company for Payment thereof in his, her, or their own Name or Names; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release the said Bonds so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Bondholders not to be deemed Proprietors, unless they shall deliver up their Bonds.

IV. Provided always, and be it further enacted, That no Person to whom any such Bond shall be given shall thereby be deemed a Proprietor of any Share, or shall thereby be rendered capable of acting as such at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums on such Bond, unless and until he or she shall, under the Power herein-after contained, have given such Notice as herein-after is mentioned, of his or her Intention to become a Proprietor or Subscriber to the said Undertaking, and shall have delivered up the said Bond or Bonds to be cancelled.

Power to pay off Bonds.

V. Provided always, and be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, from Time to Time, to pay off and discharge all or any of the said Bonds before the Days respectively appointed for Payment thereof, upon giving Six Calendar Months Notice to the Holder or Holders of the said Bonds respectively, of their Intention so to do.

In case Bonds are paid off, Power to raise the Amount again.

VI. And be it further enacted, That in case the said Company shall be required or shall be desirous to pay off, and shall pay off, all or any of the said Bonds, then and in every such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, immediately or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much and such Sum and Sums of Money as they shall have from Time to Time paid off, or be required or be desirous to pay off, to the Holders of the said Bonds, or any of them, either by the Issue of fresh Bonds, or by way of Mortgage on the Credit of the said Undertaking, or by granting Annuities under the Powers herein-after contained, 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 or raise, by any of the Ways or Means aforesaid, more than the Sum of Twenty-five thousand Pounds in the whole at any one Time.

Interest of the Money borrowed on Bond to be paid in preference to Dividends.

VII. And be it further enacted, That the Interest of the Money which shall become due and payable on any Money to be raised by Bond as aforesaid (if any shall be so raised) shall be paid to the several Persons entitled thereto, in preference to any Interest or Dividends to become due and payable to the said Company of Proprietors, or any of them, under the Provisions of this or of the said recited

recited Act; and in case such Interest, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the Clerk of the said Company, or left at the Office of the said Company, then, in addition to such Remedies as the Obligee or Obligees, or Assignee or Assignees of such Bond or Bonds may be entitled to at Law or in Equity, it shall be lawful for Two or more Justices of the Peace acting for the said County Palatine of *Lancaster*, and they are hereby required, on Request to them made by or on behalf of any such Obligee or Obligees, or Assignee or Assignees, whose Interest shall be so in arrear, by an Order under the Hands of such Justices, to appoint one or more Person or Persons to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, until all such Interest in arrear, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due; and after such Interests and Costs shall have been paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine.

Remedy for Bondholders in case Interest is not paid.

VIII. Provided always, and be it further enacted, That it shall be lawful for all or any and every the Person or Persons, Body or Bodies Politic or Corporate, to whom any such Bond or Bonds shall have been made or given, or who shall be entitled to the Money due thereon, at any Time or Times before the said Bonds shall respectively become payable, or before the said Company shall have given the Notice herein-before directed of their Intention to pay off and discharge the same, to become (at the Option of the Holder or Holders of such Bond or Bonds, and upon giving to the said Company Six Calendar Months previous Notice in Writing of such his or their Intention) a Subscriber or Subscribers to and Proprietor or Proprietors of the said Undertaking, in the Proportion of One Share in the said Undertaking and in the Subscription Capital thereof, for every One hundred Pounds of Principal Money which may be due or secured on Bond to such Bondholder or Bondholders as aforesaid, and upon giving up such Bond or Bonds to be cancelled; and the Clerk or Clerks for the Time being of the said Company shall, and he and they is and are hereby required, at the Expiration of such Notice, and upon the Delivery up of the said Bonds, to cause the Name or Names, and proper Addition or Additions of all such Bondholders as aforesaid, to be entered in the Book by the said recited Act directed to be kept by the said Clerk or Clerks, of the Names and Additions of Proprietors, and shall also enter therein the Number of Shares which shall be given and appropriated to all such Bondholders desiring to become Proprietors, in lieu of his or their Debt or Debts, and the proper Number by which every such Share shall be distinguished; and after such Entry shall be made, the said Clerk or

Enabling Bondholders to become Subscribers.

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Clerks

Clerks shall deliver to all and every such Bondholder and Bondholders as aforesaid, desiring to become a Proprietor or Proprietors, a Ticket or Tickets, or Instrument or Instruments, with the Common Seal of the said Company affixed thereto, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and thereafter, and after such Bond or Bonds shall have been cancelled, all Bodies Politic or Corporate, and other Persons respectively so desiring to have Shares in the said Undertaking, in lieu of their respective Bond Debts, and their several Successors, Executors, Administrators, and Assigns, shall be, and they are hereby declared to be the Owners and Proprietors of the said Shares so to be given and appropriated to them as aforesaid, and shall be united to and incorporated with the said Company of Proprietors.

Company may raise the additional Sum, or any Part, by Mortgage.

IX. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising the Whole of the said further or additional Sum of Twenty-five thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company, after the Order or Direction of any General or Special General Meeting of the said Company, authorizing them so to do, but not otherwise, to borrow and take up at Interest all or any Part of the said further or additional Sum of Twenty-five thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and to assign the Property of the said Undertaking, and the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, or out of the Sum or Sums of Money to be borrowed,) as a Security for any such further Sum to be borrowed as aforesaid, with Interest, to such Person or Persons, Body or Bodies Politic or Corporate, or to his, her, or their Trustee or Trustees, as shall lend or advance the same.

Mortgages or Assignments to be made in the following Form.

X. And be it further enacted, That all Mortgages or Assignments which shall be made by the said Company to any other Person or Persons who shall be willing to lend the Money by this Act authorized to be raised, or any Part thereof, upon the Credit of the said Undertaking as aforesaid, 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 Case may require; (that is to say,)

Number

BY virtue of an Act passed in the Sixth Year of the Reign of King George the Fourth, 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, all in the County Palatine of Lancaster*, and by virtue of an Act passed in the Ninth Year of the Reign of His said Majesty King George the Fourth, intituled [*here set forth the Title of this Act*] we, the Company of Proprietors

of the *Bolton and Leigh* Railway, incorporated by and under the  
 said Acts, in consideration of the Sum of  
 to us in hand paid by do assign and transfer  
 unto the said his [or her] Executors, Administra-  
 tors, and Assigns, the said Railway or Undertaking, and all and  
 singular the Rates, Tolls, and Duties arising under or by virtue  
 of the said Acts; to hold unto the said his  
 [or her] Executors, Administrators, and Assigns, until the said  
 Sum of together with Interest for the same after the  
 Rate of for every One hundred Pounds by the Year, shall  
 have been fully paid and satisfied to the said his [or her]  
 Executors, Administrators, or Assigns, by the said Company.  
 Given under our Common Seal, this Day of  
 in the Year of our Lord

And all and every the Person and Persons to whom such Mortgage  
 or Assignment shall be made shall be equally entitled, one with the  
 other, to his, her, or their Proportion or 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 the Priority of Date of any such Mortgage or Assign-  
 ment, or Bond, 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 Name or Names of the Person or  
 Persons (with their proper Additions) to whom the same shall have  
 been made, and of the Sum borrowed, together with the Rate of  
 Interest to be paid thereon, shall, within Fourteen Days next after  
 the Date thereof, be entered in the Book or Books to be kept by the  
 Clerk or Clerks of the said Company of Proprietors, which said Book  
 or Books shall and may be perused at all reasonable Times by any of  
 the Proprietors or Creditors of the said Undertaking, or other Per-  
 sons interested therein, without Fee or Reward; and all and every  
 the Person or Persons to whom any such Mortgage or Mortgages,  
 Assignment or Assignments, shall have been made as aforesaid, or  
 who shall be entitled to the Money due thereon, shall and may from  
 Time to Time transfer his, her, or their Right and Interest therein  
 to any Person or Persons whomsoever; which Transfer shall or may  
 be made in the Words or to the Effect following, with such Variation  
 (if any) therein as Circumstances may render necessary; (that is  
 to say,)

Entry of  
 Mortgages  
 to be made  
 in the Books  
 of the Com-  
 pany.

I [or We] of in con-  
 sideration of the Sum of paid by  
 of do hereby transfer a certain  
 Mortgage, Number made by the Company of Pro-  
 prietors of the *Bolton and Leigh* Railway, to  
 bearing Date the Day of for  
 securing the Principal Sum of with Interest after  
 the Rate of per Centum per Annum, together with all  
 Interest accrued or to accrue thereon, and all my [or our] Right  
 and Property therein, to the said his [or her]  
 Executors, Administrators, and Assigns. Dated this  
 Day of in the Year of our Lord

Form of  
 Transfer of  
 Mortgage.

And

Transfers of  
Mortgages to  
be registered.

And every such Transfer shall, within Twenty-eight Days after the Date thereof, 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 Mortgages or Assignments, for which the said 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 entitle such Assignee or Assignees, his, her, or their 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 said Mortgage, or any Sum of Money thereon due or thereby secured, or any Part thereof: Provided always, that after Payment and Satisfaction to the Person or Persons, Body or Bodies Politic or Corporate, his, her, or their Executors or Administrators, Successors or Assigns, of all and singular the Principal Sum or Sums of Money, and Interest, secured by such Mortgage or Mortgages, and (if any) all Costs in respect thereof, then all the Estate, Right, and Interest by such Mortgage or Mortgages vested in him, her, or them respectively, shall, without any Deed or Conveyance or other Act, revert to and revest in the said Company.

Power to  
raise Money  
by Annuities.

XI. And be it further enacted, That in case the said Company of Proprietors shall think it more advisable and proper to raise the Whole or any Part of the said further or additional Sum of Twenty-five thousand Pounds, by granting Annuities payable out of the Rates and Tolls and other Revenue, or out of the Monies to be raised by virtue of the said recited Act or of this Act, it shall be lawful for the said Company, after the Order or Direction of any General or Special General Meeting of the said Company authorizing them so to do, but not otherwise, to raise any such Sum by the granting of any such Annuity or Annuities as aforesaid, redeemable or otherwise, to or for the Use of the Person or Persons who shall contribute, advance, or pay into the Hands of the Treasurer or Treasurers to the said Company, any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities to be paid or payable for any Time or Number of Years, or for or during the natural Life of any such Contributor, or such other Person as shall be nominated by or on behalf of such Contributor, at the Time of Payment of his or her Contribution and Purchase Money, and either with or without Benefit of Survivorship, and redeemable upon such Terms and Conditions as shall be agreed upon; and the said Company are hereby authorized and empowered to grant all and every such Annuity or Annuities so to be purchased as aforesaid out of the Rates and Tolls or other Revenue of the said Undertaking, or out of the Monies to be raised by virtue of the said recited Act or of this Act, to the Person or Persons who shall agree to purchase the same, or to his, her, or their Trustee or Trustees.

Rates of Annuities to be made according to the Acts of 48 & 52 G. 3.

XII. And for preventing any improvident Grant of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting



granting the same, according to the Rate prescribed by Two several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other made in the Fifty-second Year of His said Majesty's Reign, intituled *An Act for amending the Two Acts passed in the Forty-eighth and Forty-ninth Years of His late Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

48G.3.c.142.

52G.3.c.129.

XIII. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variations therein as the Circumstances of the Case may require; (that is to say,)

Annuities to be under the Common Seal of the Company.

Number  
 BY virtue of an Act passed in the Sixth Year of the Reign of King George the Fourth, 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, all in the County Palatine of Lancaster*; and by virtue of an Act passed in the Ninth 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 Bolton and Leigh Railway, incorporated by and under the said Act, in consideration of the Sum of \_\_\_\_\_ to us in hand paid by \_\_\_\_\_ do hereby grant unto the said \_\_\_\_\_ and his or her Assigns [*or if by Survivorship, unto the said \_\_\_\_\_ and to the Survivors or Survivor of them*] one Annuity or yearly Sum of \_\_\_\_\_ to be issuing out of the said Railway or Undertaking, and all and singular the Rates, Tolls, and Duties arising under or by virtue of the said Acts; to hold unto the said \_\_\_\_\_ his or her Executors, Administrators, or Assigns, for the Term of \_\_\_\_\_ Years [*or, as the Case may be, to hold unto the said \_\_\_\_\_ and his or her Assigns, during his or her natural Life, or to hold unto the said \_\_\_\_\_ his or her Executors, Administrators, and Assigns, for and during the natural Life of \_\_\_\_\_ or if by Survivorship, unto and amongst them the said \_\_\_\_\_ and the Survivors and Survivor of them*], such Annuity or yearly Sum to be paid and payable at \_\_\_\_\_ upon the \_\_\_\_\_ Day of \_\_\_\_\_ yearly, and the first Payment thereof to be made on the \_\_\_\_\_ Day of \_\_\_\_\_ [*here insert the Terms and Conditions, if any, upon which such Annuities shall be redeemable.*] Given under our Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Form of Grant of Annuity.

And such Grant shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever; and all the Grantees of such Annuities shall be equally entitled one with another, and with the Persons to whom any Money shall be due, or any Bond or Bonds granted

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Entry of Grants to be made in the Books of the Company.

granted by the said Company, or on any Mortgage of the said Undertaking, to the Rates and Property thereby assigned, in proportion to the Interest of the Sum or Sums for which such Annuities shall have been granted, without any Preference by reason of the Priority of Date of any such Bond, Mortgage, or Grant of Annuity, or on any Account whatsoever; and an Entry or Memorial of every such Grant of Annuity, containing the Number and Date thereof, and the Name or Names of the Party or Parties to whom the same shall be made, with their respective proper Additions, and the Consideration for such Grant, and the Amount of the Annuity granted, and the Duration thereof, shall, within Fourteen Days next after the Date thereof, be written and inserted in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Company; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person and Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his or their Right or Title therein to any Person or Persons whomsoever; which Transfer shall or may be made in the Words or to the Effect following, or with such Variations therein as the Circumstances of the Case may require; (that is to say,)

Form of Transfer of Grant.

‘ I [or We] of in consideration  
 ‘ of the Sum of to me [or us] paid by  
 ‘ do hereby transfer unto the said a certain Grant,  
 ‘ made by the Company of Proprietors of the *Bolton and Leigh*  
 ‘ *Railway*, bearing Date the Day of  
 ‘ of an Annuity of payable [*here insert the Duration*  
 ‘ *of the Annuity*] and all my [or our] Right, Title, and Interest in  
 ‘ and to the said Annuity thereby secured; to hold the same unto  
 ‘ the said his or her Executors, Administrators,  
 ‘ and Assigns. Dated this Day of

Entry of Transfers to be made in the Books of the Company.

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial to be made thereof in the same Manner as if the original Grant of the said Annuity, for which the said Clerk or Clerks shall be paid such Sum as the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of the Person or Persons who shall have made any such Transfer at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof.

Annuities to be paid in preference to Dividends.

XIV. And be it further enacted, That the Interest of the Money that shall be borrowed or raised by way or means of Mortgages or Annuities in the Manner herein-before authorized, shall be paid to the several Persons entitled thereto, in preference to any Interest or Dividends

Dividends due and payable, by virtue of the said recited Act or of this Act, to 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 Interest or Dividends due to the said Company, or any of them, shall be made, paid, or provided; and all and every the Person or Persons, Body or Bodies Politic or Corporate, advancing or lending Money on Mortgage, or purchasing Annuities, under or by virtue of this Act, shall have such and the like Remedies for the Recovery of the Interest that shall or may at any Time or Times accrue or become due to him, her, or them thereon respectively, as the Person or Persons lending or advancing Money to the said Company upon any Bond or Bonds is or are herein-before authorized and empowered to take and use for the Recovery of Interest thereon.

XV. And be it further enacted, That if Default shall happen to be made by the said Company in Payment of the Principal Money secured by any such Mortgage or Mortgages, or of any Part thereof respectively, at the Time or Times in any such Mortgage appointed for Payment thereof, and the same shall not be paid within the Space of Six Calendar Months next after Notice given by the Person or Persons entitled to or interested in such Mortgage or Mortgages to the said Company, requiring Payment of the Money due thereon, then and in such case, but not until then, it shall be competent for any Person or Persons, Body or Bodies Politic or Corporate, to whom any such Mortgage or Mortgages shall have been made, and in respect whereof such Default shall have been made, his, her, or their Executors, Administrators, Successors, and Assigns respectively, and without joining or uniting the other or any of the other Person or Persons to whom any such Mortgage or Mortgages shall have been made in such Proceeding, to have and exercise such and the same Powers and Remedies, as well at Law as in Equity, for obtaining the Possession of the Premises therein comprised, and for foreclosing the Company from any Equity of Redemption, as are or may be had or exercised by any Mortgagee or Mortgagees in ordinary Cases.

Power for Recovery of Possession of mortgaged Premises.

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

Mortgagees not to vote.

XVII. And be it further enacted, That in case the said Company shall be required or desirous to pay off and shall pay off all or any Part of the Principal Sums which shall be borrowed upon Mortgage of the said Undertaking, or shall be desirous to redeem and shall redeem all or any of the Annuities which may be granted by them under the Authority herein-before contained, then and in every such case it shall be lawful for the said Company, and they are hereby authorized and empowered, immediately or at any Time or Times hereafter, again to raise, in lieu of the Principal Money so paid off or

If Mortgages are paid off or Annuities redeemed, Company may raise the Amount again.

to

to be paid off by them, or in lieu of the Principal Money which shall be paid by them for the Repurchase and Redemption of such Annuity or Annuities, so much and such Sum and 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 or Parts thereof, or as they shall from Time to Time have paid to repurchase and redeem the said Annuities, or any of them, or any Part or Parts thereof, either by the Issue or Creation of Bonds, or by fresh Mortgages, or by granting other Annuities, or by all, or any, or either of the said Ways or Means, 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 or raise, by any of the said Ways or Means, more than the said additional Sum of Twenty-five thousand Pounds in the whole at any one Time.

Repealing  
Clause of re-  
cited Act di-  
recting Clerk  
to keep the  
Accounts of  
the Com-  
pany.

XVIII. And whereas it was by the said recited Act enacted, that the said Committee of the said Company to be chosen as therein is directed should, by themselves or their Clerk or Clerks, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all Sum and Sums of Money which they should receive on behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, and should regularly, by themselves or their Clerk or Clerks aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case should require, of every Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; and it was thereby also further enacted, that the said Company, or their Committee of Management, should, and they were thereby directed, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk should enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said recited Act, and of the several Articles, Matters, and Things for which such Sums of Money should have been disbursed, laid out, and paid, and that such Book or Books should at all reasonable Times be open to the Inspection of the Proprietors of the said Company, or any Creditor or Creditors on the Tolls to be collected and taken by virtue of the said recited Act, without Fee or Reward; and that the said Proprietors, or any such Creditors, might take Copies of or Extracts from the said Book or Books, without paying any thing for the same; and in case the said Clerk should refuse to permit or should not permit any of the said Proprietors or Creditors to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk should forfeit or pay any such Sum of Money not exceeding Five Pounds, to be levied and applied in the Manner thereby directed: And whereas it is apprehended that the said Provisions in

the said recited Act refer to the Law Clerk or Clerks of the said Company: And whereas it is expedient that the Law Clerk or Clerks of the said Company should not keep the Books of Account of the said Company; be it therefore enacted, That so much of the said recited Act as enacts that the Clerk or Clerks of the said Company shall keep a full and true Account of all Monies disbursed and Payments made by the said Committee, or by Persons employed by them, and of all Monies which they shall receive on behalf of the said Undertaking, and shall enter in a Book or Books Notes, Minutes, or Copies of every Contract, Bargain, Receipt, and Disbursements; and also so much of the said recited Act as enacts that a Book or Books shall be kept by the Clerk of the said Company, in which such Clerk shall enter true and regular Accounts of all Sum and Sums of Money received, paid, laid out, and expended on account of the said recited Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, or paid; and also so much of the said recited Act as imposes a Penalty upon the said Clerk for refusing to permit, or for not permitting, any Proprietor or Creditor to inspect such Books, or to take Copies thereof or Extracts therefrom, shall be and the same is hereby repealed.

XIX. And be it further enacted, That all the said Books and Accounts, by the said recited Act directed to be kept by the said Committee of Management, or by their Clerk for the Time being, shall be kept by a Book-keeper, who shall be expressly appointed by the said Committee 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 Bond, Mortgage, or Annuity, 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 the said recited Act directed to be levied and applied.

XX. And be it further enacted, That Minutes of the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Proprietors as of the Committee, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be

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deemed

Committee  
to cause Ac-  
counts to be  
kept by a  
Book-keeper.

Orders and  
Proceedings  
to be entered  
in a Book.

deemed and taken to be signed Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

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Not to prevent Clerk from taking Minutes, &c.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prevent the Clerk for the Time being of the said Company from taking Minutes of the Orders and Proceedings of the several General and Special Meetings of the Proprietors, and of the Meetings of the said Committee, and from entering them in the Book or Books to be provided and kept for that Purpose.

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Clerk not to be Treasurer, &c.

XXII. Provided also, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to 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 any such Clerk, or the Clerk or other Person in the Service or Employ of any 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 Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any 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 such 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 Impar lance, shall be allowed.

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Power for Committee to call Special General Meetings of Proprietors.

XXIII. And be it further enacted, That the Committee of Management for the Time being of the said Company shall have full Power and Authority to call Special General Meetings of the said Company for such Purposes and at such Time and Place as they may think proper, by giving Ten Days Notice thereof in some Two or more Newspapers usually circulated in the County Palatine of *Lancaster*, and specifying in such Notice the Object or Purpose for which such Special General Meeting is called; 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

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specified in such Notice, but not further or otherwise; and all Acts of the said Proprietors, or the major Part of them, met together at every such Special General Meeting, shall be as valid with respect to the Matter specified in such Notice as if the same had been at a General Meeting held in pursuance of the said recited Act.

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XXIV. And whereas it was by the said recited Act enacted, that the Committee of Management should have Power from Time to Time to make, in the Manner therein mentioned, such Call or 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 should find necessary; and that if any Person should neglect or refuse to pay his or her rateable or proportionate Part or Share of the said Money so called for as aforesaid, it should be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, or the said Company might and they were thereby authorized, at a General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay such Call in manner as aforesaid, to be forfeited to and for the Use and Benefit of the said Proprietors of the said Undertaking, and all such Forfeitures should be sold at a public Sale by the said Company for the most Money that could be gotten for the same, and the Produce thereof should be equally divided among the rest of the said Company in proportion to their respective Shares and Interest in the said Undertaking: And whereas it is expedient that so much of the said recited Act as directs that the Proceeds arising from the Sale of Shares forfeited for the Nonpayment of any Call made therein shall be equally divided amongst the rest of the said Company in proportion to their respective Shares and Interest in the said Undertaking, should be repealed, and other Provisions made in lieu thereof; be it therefore further enacted, That so much of the said recited Act as directs that all Shares declared forfeited for the Nonpayment of any Call or Calls thereon shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and the Produce thereof equally divided amongst the rest of the said Company in proportion to their respective Shares and Interests in the said Undertaking, shall be and the same is hereby repealed.

So much of recited Act as directs a Forfeiture of Shares for the Benefit of the Company, repealed.

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XXV. And be it further enacted, That if any Owner of any Share in the said Undertaking, whether created under the Authority of the said recited Act or of this Act, shall not pay his or her rateable Proportion of the Money which may be called for by the Committee of Management for the Time being, on such Day and in such Manner, and to such Person or Persons as the said Committee of Management shall from Time to Time direct and appoint, then and in such case, and as 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 Payment thereof up to the Time when the same shall be actually paid; and if any Owner of any such Share in the said Undertaking shall neglect or refuse to pay his or her rateable or proportionate Part of the said Money

Proprietors of Shares not paying Calls at proper Periods to pay Interest.

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Power to bring Actions for Calls and Interest thereupon;

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or to declare  
the Shares  
forfeited.

No Advan-  
tage to be  
taken of For-  
feiture with-  
out Notice.

Money so to be called for, together with Interest for the same after the Rate aforesaid, for the Space of Two Calendar Months after the Day appointed for Payment thereof; then it shall be lawful for the said Company, or for the said Committee, 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 Committee may and they are hereby authorized to declare the Share or Shares belonging to the Person or Persons so refusing or neglecting to pay any such Call or Calls, together with such Interest as aforesaid, for the said Space of Two Calendar Months, to be absolutely forfeited: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking, unless or until Notice in Writing, under the Hand of the Clerk or Clerks or Treasurer of the said Company, of such Share being liable to Forfeiture, if the Call or Calls due thereon, with Interest due from the Time or Times appointed for Payment thereof respectively, be not paid at a Time to be in such Notice specified, shall have been given or sent by the Post to or left at the usual or last known Place or Places of Abode of the Owner or Owners of such Share, nor until the Declaration of Forfeiture by the said Company or by the said Committee shall have been confirmed, either at the next Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, after the Expiration of Three Calendar Months at the least from the Day on which such previous Declaration of Forfeiture shall have been made; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting, the said Company by such General Meeting shall have Power to direct the Committee to sell and dispose of the Share or Shares so forfeited.

Committee  
empowered  
to sell for-  
feited Shares.

XXVI. And be it further enacted, That when any Share or Shares shall have been so forfeited as aforesaid, then and in every such Case it shall and may be lawful for the Committee of Management for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold, by public Auction or by private Contract, and by Writing under the Common Seal of the said Company to assign and transfer such and so many of the Share or Shares of such Defaulter or Defaulters as the said Committee shall from Time to Time find necessary and direct to be sold to such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, or Assigns; and such Assignment and Transfer shall be good, valid, and effectual against the Person or Persons who shall previously have been the Owner or Owners of every such Share so forfeited and sold as aforesaid, and all Persons claiming under him, her, or them.

Company not  
to sue for  
further Calls  
on forfeited  
Shares.

XXVII. Provided also, and be it further enacted, That nothing herein contained shall empower the said Company of Proprietors to sue the original Owner or Owners, or Proprietor or Proprietors of any Share or Shares which shall be declared to be forfeited in



manner and according to the Tenor, true Intent and Meaning of this Act, for any Call or Calls for Money made subsequently to the Declaration of such Forfeiture; but when any such forfeited Share or Shares shall be sold, the Purchaser or Purchasers thereof shall be liable to the future Calls in the same Manner as if he, she, or they had been the original Owner or Owners, Proprietor or Proprietors of such Share or Shares; and such original Owner or Owners, or Proprietor or Proprietors, shall in respect of such Share or Shares be absolutely discharged and acquitted from all further Liability in respect of such subsequent Calls, but shall still continue liable and responsible for the Call or Calls which may have been made thereon previously to such Forfeiture, or for so much thereof, and Interest, as the Money for which such Share or Shares shall be sold shall not, after deducting the Expences of Sale, be sufficient to pay and satisfy.

XXVIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares as shall be forfeited by reason of Nonpayment of any Call so authorized as aforesaid, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expence attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company or the said Committee shall not, by virtue of this Act or of the said recited Act, sell or transfer, or direct to be sold and transferred, any more of such Shares of such Defaulter or Defaulters in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters, for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences aforesaid, any Share or 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 Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

XXIX. And whereas it was by the said recited Act enacted, that upon the Trial of any Action to be brought by the said Company against any Owner of any Share in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call to be made by virtue of the said recited Act, it should only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as was directed by the said Act: And whereas it is expedient to facilitate the Means of such Proof; be it further enacted, That upon the Trial of any Action to be brought by the said Company, in which it shall

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If the Purchase Money of Shares sold shall be more than sufficient to pay the Arrears, &c. Surplus to be paid to Owners.

Shares not sold to revert.

Mode of proving Proprietorship of Shares in Actions for Calls.

be necessary to prove that the Defendant or Defendants was or were a Proprietor or Proprietors of some Share or Shares in the said Company, the Production of the Book or Books in which the Clerk or Clerks of the said Company is by the said recited Act directed to enter and keep the Names and Additions of the several Persons entitled to Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors thereof (or be entitled to any Share therein); shall be *prima facie* Evidence of such Defendant or Defendants being a Proprietor or Proprietors, and of the Number or Amount of his or her Shares therein.

Repealing  
Clause di-  
recting that  
Sub-com-  
mittee should  
consist of  
Five Persons.

XXX. And whereas it was by the said recited Act enacted; that it should be lawful for the said Committee to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees (every such Sub-committee to consist of Five or more Persons), who should have such Powers and Authorities as in and by the said recited Act are vested in them: And whereas it has been found inconvenient to appoint so many as Five Persons upon every Sub-committee; and it is expedient that the said Enactment should be repealed; be it therefore enacted, That so much of the said Act as directs that every Sub-committee shall consist of Five or more Persons shall be and the same is hereby repealed.

Repealing  
Clause au-  
thorizing  
Sale of  
Shares after  
30<sup>l.</sup> per  
Share was  
paid, and not  
before.

XXXI. And whereas it was by the said recited Act enacted, that it should be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Thirty Pounds *per Centum* by him, her, or them, or his, her, or their Shares in the said Subscription; but not before, to sell or dispose of any Share or Shares to which he, she, or they should be entitled therein; subject to the Rules and Conditions in the said recited Act mentioned: And whereas the Sum of Eighty-five Pounds *per Share* has now been paid by the several Subscribers upon their respective Shares: And whereas several Shares have been sold and disposed of before the Payment of the Sum of Thirty Pounds *per Centum* was made on each Share: And whereas it is expedient that the Person or Persons who have purchased Shares in the said Undertaking before the Sum of Thirty Pounds *per Share* was paid, and who have subsequently paid the further Calls on such Shares, should have a legal Title to such Shares respectively; be it therefore enacted, That so much of the said recited Act as restrains the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, from selling or disposing of any Share or Shares which he, she, or they shall possess or be entitled to in the said Undertaking, before the Sum of Thirty Pounds *per Centum* shall have been paid thereon; shall be and the same is hereby repealed.

XXXII. And

XXXII. And be it further enacted, That every Sale and Transfer which shall have been made of any Share or Shares in the said Undertaking, upon which the Sum of Thirty Pounds *per Centum* shall not have been made, shall be as valid and effectual, and shall vest the same Rights and Privileges in the Purchaser or Purchasers, or Transferee or Transferees thereof, his, her, or their Executors, Administrators, and Assigns, as if the full Sum of Thirty Pounds *per Centum* had been actually paid upon such Share or Shares at the Time of such Sale or Transfer, and no Title shall be impugned upon any such Ground.

Transfer of Shares rendered valid, upon which 30l. has not been paid.

XXXIII. And be it further enacted, That so much of the said recited Act as directs that upon the Sale of any Share or Shares in the said Undertaking the Deed or Conveyance thereof (being executed by the Seller or Sellers, Purchaser or Purchasers, of such Shares) shall be kept by the said Purchaser or Purchasers for his or their Security, shall be and the same is hereby repealed.

Repealing Clause directing Purchasers to keep Possession of Deeds.

XXXIV. And be it further enacted, That upon the Sale of any Share or Shares in the said Undertaking, the Deed or Conveyance thereof (after the same shall have been executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares,) shall be kept by the Clerk or Clerks of the Company, and the Tickets or Certificates of the Shares shall be delivered to the Purchaser or Purchasers, for his or their Security.

Conveyance of Shares to be kept by Clerk, and Certificates delivered to Purchasers.

XXXV. And be it further enacted, That whenever Two or more 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 the said recited Act and of this Act, be deemed and taken to be the Owner or Proprietor of such Share, and such Owners or Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, 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 Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares; and all Notices by the said recited Act or by this Act directed to be given to the Owners or Proprietors of any Share in the said Undertaking, shall or may be given or sent to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person.

The Persons whose Names stand first as joint Proprietors with others, to be deemed Owners, &c.

XXXVI. And be it further enacted, That in case any Proprietor entitled to vote at any General Meetings of the said Company shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting or Meetings by his or her Committee, or by any One of such Committee, being a Proprietor, but if not, then by a Proxy, to be by such Committee or any One of such Committee appointed, and

Lunatics and Minors to vote by Committees and Guardians.

and such Minor shall or may vote by his or her Guardian or any One of such Guardians, being a Proprietor, and if not, then by a Proxy, to be by such Guardian or any One of such Guardians appointed; provided that such Committee or Guardian may, if a Proprietor, also vote in right of his own Shares as well as in Character of Committee for any Lunatic, or of Guardian of any Minor, on the same Occasion.

Receipt of Persons in whose Name Shares stand to be good.

XXXVII. And be it further enacted, That the Receipt or Receipts of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company, for any Dividend or Sum of Money which shall become due and payable and be paid for or in respect of such Share, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share shall be then settled, conveyed, or assigned.

Receipts of Parents or Guardians of Minors a sufficient Discharge.

XXXVIII. And be it further enacted, That in all Cases where the Money shall be payable under the Provisions of this Act to any Proprietor in the said Undertaking who shall be a Minor, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the Company and their Treasurer for the Time being.

Repealing Clause as to Reduction in the Rate of Tonnage.

XXXIX. And be it further enacted, That so much of the said Act as enacts that in case the said Company of Proprietors shall at any Time hereafter reduce and vary any of the Rates of Tonnage by the said Act granted, then and in every such Case such Reduction and Variation shall from Time to Time be made on all and every the Articles, Goods, Wares, and Merchandize in equal Degrees, shall be and the same is hereby repealed.

In case of Reduction of Tonnage, the same to be made to extend equally.

XL. And in lieu thereof be it further enacted, That in case the said Company of Proprietors shall at any Time or Times hereafter reduce or vary any of the Tonnage or other Rates, Tolls, or Duties by the said recited Act granted, for or in respect of all or any Goods, Articles, or Things which shall ascend any of the Inclined Planes upon the said Railway, where any permanent Steam Engine or Engines, or other Mechanical Power, shall or may be placed or used, then and in every such Case a corresponding and proportionate Reduction or Variation shall at the same Time and from Time to Time be made and take place in such Rates, Tolls, and Duties for or in respect of all the like Goods, Articles, or Things which shall descend any of the Inclined Planes upon the said Railway where a permanent Steam Engine or Engines, or other Mechanical Power, shall be placed or used, and that no Reduction or Variation of the Rates shall be made or take place for or in respect of any Goods, Articles, and Things passing on any Part or Parts of the said Railway which shall not equally extend and be applied to the same  
or

or the like Articles passing on all and every or any other Part or Parts of the said Railway.

XLI. And be it further enacted, That so much of the said recited Act as enacts that it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times thereafter, to ask, demand, take, recover, and receive, to or for the Use and Benefit of the said Company of Proprietors, for every Ton of such Goods, Articles, Matters or Things therein mentioned or referred to, which shall descend any of the Inclined Planes upon the said Railway or Tramroad, where a permanent Steam Engine or permanent Steam Engines is or are used, such additional Sum (over and above the Rates, Tolls, and Duties by the said recited Act authorized to be levied and received as and for Tonnage) as the said Company of Proprietors shall appoint, not exceeding Three-pence *per Ton per Mile*, shall be and the same is hereby repealed.

Repealing Clause enabling Company to receive 3d. per Ton per Mile for descending Inclined Planes.

XLII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use of the said Company of Proprietors, for every Ton of such Goods, Articles, Matters or Things in the said recited Act mentioned or referred to, which shall descend any of the Inclined Planes upon the said Railway or Tramroad, where a permanent Steam Engine or permanent Steam Engines is or are used, such additional Sum (over and above the Rates, Tolls, and Duties by the said recited Act authorized to be levied and received as and by way of Tonnage) as the said Company of Proprietors shall appoint, not exceeding Three-pence *per Ton* for each Inclined Plane.

Enabling Company to receive 3d. per Ton for descending each Inclined Plane.

XLIII. And be it further enacted, That the Distance between the inside Edges of the Rails of the said Railway or Tramroad shall not be less than Four Feet Eight Inches; and that the Distance between the outside Edges of the Rails of the said Railway or Tramroad shall not be more than Five Feet One Inch.

Width of Rails of Railway

XLIV. 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 or Collegiate, or to any Persons whomsoever, under the Provisions or Directions contained in the said recited Act or in this Act, such Notice shall and may be in Writing, signed by the Law Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

Notices to be given by the Clerk.

XLV. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first

Expences of Act, &c.

[*Local.*]

*H h*

Money

Money to be raised or received by virtue of the said recited Acts or either of them, in preference to any other Payment whatever.

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Public Act.  
50 Geo. IV.  
1810.  
Act of the  
10th Geo. IV.  
1820.  
Act of the  
11th Geo. IV.  
1821.  
Act of the  
12th Geo. IV.  
1822.

XLVI. And be it further enacted, That this Act shall be deemed 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.

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