



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## *Cap. lvi.*

An Act for making and maintaining a Railway from the Borough of *Wigan* to the *Liverpool* and *Manchester* Railway in the Borough of *Newton* in the County Palatine of *Lancaster*, and collateral Branches to communicate therewith.

[29th May 1830.]

**W**HEREAS the making and maintaining of a Railway, together with the several Branches therefrom hereinafter mentioned, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons and other Carriages, from or near the Borough of *Wigan* in the County Palatine of *Lancaster*, in and through the several Parishes or Places hereinafter mentioned, and communicating with the *Liverpool* and *Manchester* Railway in the Borough of *Newton* in the same County, will be a Work of great public Utility and Advantage, by opening a short, convenient, and expeditious Communication for the Conveyance of Passengers, Coal, and Merchandize between the said Borough of *Wigan* and the Towns of *Liverpool*, *Manchester*, and *Warrington*, and other populous Places: And whereas the several Persons hereinafter named are willing and desirous to make, establish, and maintain such Railway and Branches as aforesaid, at their own proper Costs and Charges, 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 the King's most Excellent Majesty, by and with the Advice and Consent of the Lords

[*Local.*]

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Proprietors  
incorporated.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Robert Holt Leigh* Baronet, *Thomas Legh*, *John Walmsley*, *Ralph Thicknesse*, *Samuel Newton*, *James Brownhill Boothby*, *John Ashton Yates*, *Ralph Greenough*, *Reece Bevan*, *William Greenough*, *Harmood Banner*, *Joseph Wagstaffe*, *Joseph Rylands*, *George Wood*, *Richard Tennant*, *Samuel Blain*, *William Blain*, *John Bewley*, *Joseph Neville*, and all and every other Person or Persons, Body or Bodies Politic and Corporate, who shall hereafter become Subscribers to the said Undertaking for establishing the said Railway and Branches, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making and maintaining the said Railway and Branches, and the Works incident thereto and to be connected therewith, according and subject to the Rules, Restrictions, and Regulations hereinafter mentioned and provided, and for that Purpose shall be one Body Corporate, and shall be known as such by the Name and Style of "The *Wigan Branch 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, plead and be impleaded, at Law or in Equity; and the said Company shall have full Power and Authority from Time to Time and at all Times to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company  
empowered  
to make Rail-  
way from  
Wigan to  
Newton, and  
Branches  
therefrom.

II. And be it further enacted, That the said Company shall be and are hereby empowered, by themselves, their Deputies, Agents, Officers, Engineers, Servants, and Workmen, to make, complete, and maintain a Railway, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons and other Carriages properly constructed, commencing at or near to the East Side of a certain Street called the *Wallgate*, within the Borough of *Wigan* in the County Palatine of *Lancaster*, and extending to or passing through or into the several Parishes of *Wigan* and *Winwick* within the said County of *Lancaster*, and also extending to or passing through or into the several Boroughs, Townships, Hamlets, or Places of *Wigan*, *Ince*, *Abram*, *Ashton*, *Golborne*, *Lowton*, and *Newton*, in the said County of *Lancaster*, or some of them, and terminating at the *Liverpool and Manchester Railway* at or near to a certain Bridge called *Park Side Lane Bridge*, in the Borough of *Newton* aforesaid; and to make and complete collateral Branches to lead from and out of the said intended Railway, one of the said collateral Branches commencing at or near to a certain Field called the *Cock Shot*, situate on the South Side of *Golborne Dale* in *Lowton* aforesaid, in the Occupation of *Charles Steel*, and extending to or passing through or into the said Parish of *Winwick* in the said County, and also extending to or passing through or into the said Borough or Township of *Newton* and Township of *Lowton*, and terminating at the aforesaid Railway from *Liverpool to Manchester* at or near to a certain Field called the *Ball's Park* or *Boss Park*, within *Newton* aforesaid, in the

Occupation of *Thomas Haughton*; also one other collateral Branch commencing at the aforesaid Field called the *Cock Shot*, in the said Township of *Lowton*, and extending to or passing through or into the said Parish of *Winwick*, and the said Borough or Township of *Newton* and Township of *Lowton*, and terminating at the said *Liverpool* and *Manchester* Railway, at or near a certain Field called the *Moss Furlong*, within the Township of *Lowton* aforesaid, in the Occupation of *Thomas Haughton*; and also one other collateral Branch, commencing at or near to a certain Field called the *Inial Hey* or the *Inion*, in the Occupation of *John Shuttleworth*, and near to *Ince Mill* in the Township of *Ince* within *Mackerfield* aforesaid, and extending to or passing through or into the said Parish of *Wigan*, and also the said Township of *Ince* and the Townships of *Aspull* and *Haigh* in the said County or one of them, and terminating at or near to a certain Bridge called *New Spring's Bridge* or *Bark Hill Bridge*, situate within the Townships of *Aspull* and *Haigh* aforesaid or one of them; and also to make and maintain all such inclined Planes on such Parts of the said Railway and Branches respectively as to the said Company may seem expedient, and to erect or use stationary or other Engines for the Purposes aforesaid.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person, Body Politic, Corporate, or Collegiate, whatsoever, according to the Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to ascertain, 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 Conveniencies 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 said Lands or Grounds, or 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, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the true Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Cuttings, and Tunnels for passing under or over any Streets, Houses, or other Buildings or Erections, also for passing any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams, or other Waters, and to alter the Course of or draw off such Water for such Time as may be necessary for completing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes,

Power to enter Lands, and take Materials, &c.

Cranes, Fire Engines, Steam Engines, and other Engines, or other Machines and other Works, and Ways, Roads, and Conveniencies, as the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend, 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, erecting, 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, repaired, or done; and also to make, repair, maintain, 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 or other Carriages passing upon the said Railway, and proper Places for such Waggon and other Carriages to turn, remain, stand, lie, or pass each other, and also such Ways and Roads to communicate with the said Railway, and such other Conveniences, as the said Company shall think proper or necessary; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, Cuttings, Tunnels, and other Works, in, upon, under, and across any Streets, Houses, or other Buildings or Erections, or any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams, or other Waters, for the making, preserving, improving, using, maintaining, and repairing of the said Railway; and to make Drains or Conduits into, through, or under any Lands or Grounds, or adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or any Part thereof; and to construct, make, and do all other Acts, Matters, and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction to the Owners or Proprietors of and to all Persons interested in any Lands, Canals, or other Hereditaments which shall be taken, used, removed, diverted, 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 their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby given, subject nevertheless to such Provisions and Restrictions as are hereinafter mentioned and contained.

Steam Engines to consume their own Smoke.

IV. And be it further enacted, That the Furnace of every Steam Engine to be erected or built by the said Company under or by virtue of the Powers of this Act, shall be constructed on the Principle of consuming its own Smoke.

Crossing of Roads.

V. 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,

Carriages, shall not rise above or sink below the Level of such Road more than One Inch.

VI. 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 One Inch. Width of Railway.

VII. Provided always, and be it further enacted, That where any Bridge shall be erected or made 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 Road or Public Highway to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any Bridge shall not exceed One Foot in Thirteen Feet. Regulations as to Bridges for carrying Railway over Public Roads.

VIII. Provided always, and be it further enacted, That in all Cases where it may be necessary to erect, build, or make any Bridge or Bridges for carrying any Public Carriage Road over the said Railway, 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, and the Width of such Bridge between such Fences shall not be less than Twenty-one Feet. Regulating Ascent of Bridges for carrying Public Roads over Railway.

IX. Provided always, 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 shall be opened for the Purpose only of letting such Waggon, Carts, and other Carriages pass through; and every Driver, or Person entrusted with the Care of any Waggon, Cart, or other Carriage, or with any String of Waggon, Carts, or other Carriages, shall and he is hereby directed to cause the said Gates and each of them to be shut as soon as such Waggon, Carts, and other Carriages shall have passed through the same, under the Penalty of Five Shillings for every Offence. Where Railway crosses Turnpike Roads or Public Highways on a Level, Company to erect Gates at each Side.

X. And whereas the said Railway, or One or more collateral Branch or Branches thereof, will cross underneath the Turnpike Road maintained and kept in repair under and by virtue of an Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing and improving the Roads from Bolton-le-Moors to the Turnpike Road in Parr leading from St. Helen's to Ashton*, all Bridges to be built where Railway crosses Bolton Turnpike Road.

*in the County Palatine of Lancaster*; be it therefore further enacted, That such first-mentioned Turnpike Road shall be carried over the said Railway and every Branch thereof; and the said Company shall and they are hereby required, at their own Expence, to erect and build a good, firm, and substantial Bridge or Bridges of Brick, Stone, or Iron, over the said Railway and Branch or Branches thereof, where the same shall so cross such Turnpike Road, with proper Approaches thereto, upon which said Bridge and Bridges such Turnpike Road shall be made at the Expence of the said Company; and in case the said Company shall build more than One Bridge for the Purpose of such Crossing or Crossings as aforesaid, the Surface of such Turnpike Road, from the Summit of the most Westerly Bridge to the Summit of the most Easterly Bridge, shall be made on a Level or shall be graduated to one uniform Line, and shall be formed so as to leave a clear Road of Forty Feet at least between the Fences of such Turnpike Road, except upon the Bridges and the Ascent to such Bridge, and the Approach thereto from the East from *Bolton*, and the Ascent to such Bridge, and the Approach thereto from the West from *Newton*, shall not rise more than One Inch in every Yard in Length of such respective Ascents; and such Bridge and Bridges shall be formed so as to leave a clear Space of Thirty Feet at least between the Battlements, which Battlements shall not be less than Four Feet in Height above the Surface of such Turnpike Road; and the said Company shall also at their own Expence make a good and sufficient Footpath upon and by the Side of the whole Length of such Turnpike Road where the same is raised or altered by the said Company: Provided always, that it shall not be lawful for the said Company to raise the present Surface of such Turnpike Road to any greater perpendicular Height than Twenty-four Feet above the present Surface of the Iron Rails of the *Liverpool and Manchester Railway* where the same are laid underneath the Centre of the Bridge erected over the said last-mentioned Railway, called *Parkside Lane Bridge*, in the Borough of *Newton* aforesaid.

Restrictions  
as to Railway  
crossing  
Golborne  
and Warring-  
ton Road.  
40 G.3. c.73.

1 G.4. c.14.

XI. And be it further enacted, That in case the said Railway or any Branch thereof shall be carried across or over the Turnpike Road maintained and kept in repair under and by virtue of Two several Acts, one passed in the Fortieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, improving, and keeping in repair the Road leading out of the common Highway from Wigan to Golborne and Warrington, near the Northerly End of the Southerly Platt Bridge in Ince in Mackerfield, by Bamferlong, into the Turnpike Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster*, and the other passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from Wigan to Golborne and Warrington, into the Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster*, upon the Surface of or above the said first-mentioned Turnpike Road, the present Level of or Surface of the said first-mentioned Turnpike Road shall not be raised, sunk, or altered more than One Yard in per-

perpendicular Height, and that the Ascent or Descent upon the said first-mentioned Turnpike Road, where the said Railway or any Branch thereof shall so cross the same, shall not exceed One Inch in every Yard in Length; and in case it shall be necessary to carry the said first-mentioned Turnpike Road over the said Railway or any Branch thereof, the said Company shall and they are hereby required, at their own Expence, to erect and build a good, firm, and substantial Bridge of Brick, Stone, or Iron, over the said Railway where the same crosses the same Turnpike Road, with proper Approaches thereto, upon which said Bridge the said Turnpike Road shall be made at the Expence of the said Company; and the Ascent of such Bridges and the Approaches thereto shall not in any Case rise more than One Inch in every Yard in Length; and that the said Bridge shall be formed so as to leave a clear and open Space of Thirty Feet between the Walls or Battlements thereof, which said Battlements shall not be less than Six Feet in Height, and shall be closed, and shall extend on each Side Twenty Yards from the Centre of such Bridge.

XII. And whereas the said Railway is intended to be carried over the Canal Navigation from *Leeds* to *Liverpool* at or near a certain Lock upon the said Canal numbered Twenty-one, in the Township of *Wigan*, and over a Branch of the said Canal from *Hennis Bridge* near *Wigan* aforesaid, to *Pennington* in the Township of *West Leigh*, at or near to a certain Place called *Dobbs Bridge*, and also over the Feeder of the aforesaid Canal in certain Fields called *Pepper Mill Fields*, in *Wigan* aforesaid, and over the River *Douglas* within the Township of *Wigan* aforesaid, and it is expedient to provide against Obstructions being occasioned thereby to the free Navigation of the said Canal or Branch, or to the free Passage of the Water in the said Feeder or in the said River *Douglas*; be it therefore enacted, That in carrying the said Railway over the said Main Canal the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, to make a good and substantial Bridge of Brick, Stone, or Iron, over the said Main Canal and the Towing Path thereof, in the proper Approaches thereto, with perpendicular Foundation Walls to such Bridge, the under Side of the Opening at the Keystone of the Arch of such Bridge not being less than Twelve Feet in Height above the Top Water Level of the said Canal, upon which Bridge the said Railway shall be made; and the Opening or Span of the Arch of the said Bridge shall not be less than Fifty-one Feet wide, so as to extend over and include the entire Width of the said Canal and of the Towing Path, without the Consent of the Engineer of the said Company of Proprietors of the said Canal Navigation; and in carrying the said Railway over the said Branch Canal the said Company hereby incorporated shall and they are hereby also required, at their own Expence, to erect and build a good and substantial Bridge of Brick, Stone, or Iron, over the said Branch Canal and the Towing Path thereof, with proper Approaches thereto, upon which Bridge the said Railway shall be made; and the Width of such Bridge shall not be less than Twenty-five Feet between the Walls or Abutments thereof, and the Width of the Towing Path thereof shall not be less than Six Feet, and the Breast Wall of such Towing Path shall be built perpendicu-

For Protec-  
tion of Leeds  
and Liver-  
pool Canal.

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larly from the Foundation, and the under Side of the Opening at the Keystone of the Arch of such Bridge shall not be less than Twelve Feet in Height above the Top Water Level of the said Branch Canal where such Bridge shall be constructed; and the Space between the Piers of the Arches of such respective Bridges (except so much thereof respectively as shall be occupied by the respective Towing Paths of such Bridges) shall, after the said Bridges shall have been completed, from Time to Time and at all Times thereafter, except during the necessary Repairs of the said Bridges, or the Erection of any future Bridges, be left and preserved an open, uninterrupted, navigable Waterway.

Company  
not to ob-  
struct the  
Navigation  
of Leeds and  
Liverpool  
Canal, in  
constructing  
or repairing  
their Bridges.

XIII. Provided always, and be it further enacted, That the said Company hereby incorporated shall and are hereby required, during the Progress of constructing the said respective Bridges, or of the necessary Repairs thereof respectively, or of the Erection of any future Bridges in lieu thereof respectively, from Time to Time and at all Times, to leave an open, uninterrupted, navigable Waterway in the said Main Canal of not less than Thirty-six Feet in Width, during the Time of constructing and putting in the Foundation of the said Bridge up to Two Feet above the Water Level of the said Canal, which Time shall not exceed Six Weeks, nor less than Forty-two Feet during the Remainder of the Period of constructing the said Bridge, and in the said Branch Canal of not less than Sixteen Feet in Width; and in case, by reason or in execution of any of the Works by this Act authorized, or by reason of the bad State of Repair of the said Bridges or either of them, the said Main Canal and Branch Canal, or either of them, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same shall not be able to pass along the same, or in case the navigable Waterways hereinbefore required to be preserved during the Progress of the Works, or either of them, shall at any Time be contracted to a less Width than hereinbefore prescribed, then and in either of the said Cases the said Company of Proprietors hereby incorporated shall pay to the said Company of Proprietors of the said Canal Navigation, as or by way of ascertained Damages, the Sum of Fifty Pounds for every Day during which such Obstruction or Contraction shall continue on the said Main Canal, and the Sum of Fifteen Pounds for every Day during which such Obstruction or Contraction shall continue on the said Branch Canal, and so in proportion respectively for any less Time than One Day; and in default of Payment of either of the said Sums, on Demand made of 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* are hereby empowered and required, on Application to them made by the said Company of Proprietors of the said Canal Navigation, or by any Person or Persons by them authorized, by Warrant under their Hands and Seals to cause the Amount of such Sum or Sums of Money to be levied by Distress and Sale of any Goods and Chattels vested in the said Company of Proprietors hereby incorporated, by virtue of this Act, and to be paid to the said Company of Proprietors of the said Canal Navigation, or to their Treasurer or Clerk for the Time being, rendering the Overplus, if any, upon Demand, after deducting the reasonable Charges of  
making



making such Distress and Sale, and the Costs and Expences of hearing and determining the Matter in Dispute, to the Treasurer of the said Company of Proprietors hereby incorporated, for the Use of such Company; otherwise the said Company of Proprietors of the said Canal Navigation may sue for and recover the same, together with Costs of Suit, 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*.

XIV. Provided always and be it enacted, That it shall not be lawful for the said Company to make any Deviation or Extension whatever from the Course or Direction of the said Railway so delineated as aforesaid, and intended to be made and constructed over the said Main Canal in *Wigan* aforesaid, by which the Canal Feeder or River hereinbefore mentioned, or either of them, or the Locks, Towing Paths, Bridges, or other Works of the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, or either of them, or any Part or Parts thereof respectively, shall be taken, used, or damaged, without the Consent of such last-mentioned Company, in Writing under their Common Seal, first had and obtained, except in the Manner hereinbefore expressly provided for and authorized.

Company not to make any Deviation so as to take or use any of the Lands belonging to the Leeds and Liverpool Canal.

XV. And be it further enacted, That in carrying the said Railway over the said Feeder of the said Canal the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, to erect and build a good and substantial Culvert of Brick or Stone over the said Feeder, upon which Culvert the said Railway shall be made; and such Culvert shall be of the Diameter of Three Feet and Six Inches at the least, in order that the Water of such Feeder may pass without Impediment or Interruption into the said Canal; and in carrying the said Railway over the said River *Douglas* the said Company of Proprietors shall and they are hereby required, at their own Expence, to erect and build a good and substantial Bridge, Arch, or Culvert, of such Materials as the said Company may think proper, over the said River, upon which Bridge, Arch, or Culvert the said Railway shall be made; and such Bridge, Arch, or Culvert shall be so constructed as that the Water of the said River may pass under the same without Impediment or Interruption.

Culvert to be erected over Feeder of Canal, and Bridges to be erected over River Douglas.

XVI. Provided always, and be it further enacted, That unless and until the said Railway shall at any Time be abandoned by the said Company, the said Company shall and they are hereby required, at their own Expence, to maintain the said Bridges, Culverts, and Arches in perfect Repair; and if the said Railway shall at any Time be abandoned by the said Company, the said Company shall, at their own Expence, remove the said Bridges, if they shall be required so to do by the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*.

Company to maintain Bridges, Culverts, &c.

XVII. 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 said Railway is intended to be carried or made,

Plan and Book of Reference.

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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, to the end that all Persons interested in such Lands or 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 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 may 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.

XVIII. And be it further enacted, That the said Company, in making the said intended Railway, shall not deviate or extend more than One hundred Yards from the Course or Direction thereof as delineated in the said Map or Plan.

Omissions or Misnomers in Book of Reference not to obstruct the making of the Railway.

XIX. Provided always, and be it further enacted, That if it shall be made appear to any of His Majesty's Justices of the Peace acting in and for the said County Palatine of *Lancaster*, and be by them certified accordingly, by Writing under their Hands, that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments mentioned in the said Book of Reference or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or that any other Person or Party interested therein or in any Part thereof is or shall have been by Mistake or otherwise misnamed or incorrectly or insufficiently described, or that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments which by this Act it is intended should be taken and used for the Purposes thereof, or any Part thereof, or the Owners or Proprietors thereof, or other Persons interested in any Manner therein, or any of them, are or shall have been omitted or left out of the said Book of Reference and Schedule, or misnamed, or not otherwise noticed or described, such Mistake, Misnomer, incorrect Description, Omission, or Defect shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Purchase of any and every Part of the said Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, under the Provisions of this Act, but the same shall and may be valued, sold, purchased, conveyed, disposed of, and applied in the same Manner, and under the same and the like Powers, as are given by this Act in other Cases, as fully and effectually, to all Intents and Purposes, as if the same were inserted and properly and accurately named in the said Book of Reference and in the Schedule to this Act annexed.

Houses and Gardens not to be used

XX. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person

Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-nine, 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 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.

unless specified in Schedule.

XXI. And whereas it is intended that the said Railway hereby authorized to be made shall communicate with the *Liverpool* and *Manchester* Railway; be it therefore further enacted, That all Communications between the said Railway and Branches hereby authorized to be made and the *Liverpool* and *Manchester* Railway, and all such Openings in the Ledges or Flanches of the said *Liverpool* and *Manchester* Railway as may be necessary or convenient for effecting such Communications, shall be made at the Expence of the said Company hereby incorporated, under the Direction and Superintendence of the Engineers for the Time being of the said *Liverpool* and *Manchester* Railway Company.

Communications with the *Liverpool* and *Manchester* Railway to be made under the Directions of their Engineers.

XXII. And be it further enacted, That 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 by virtue of this Act, for the Purpose of communicating with or which shall communicate with the said Railway or Branches hereby authorized to be made, and which shall or shall be intended to cross the *Liverpool* and *Manchester* Railway, shall not be made or laid down on the Level of the said *Liverpool* and *Manchester* Railway, without the Consent of the said *Liverpool* and *Manchester* Railway Company in Writing for that Purpose first had and obtained; but in all Cases such Crossings shall, unless such Consent be first had and obtained, be made and carried over by means of a Bridge, or beneath by means of a Tunnel or Arch; and such Bridge, Tunnel, or Arch shall be built or constructed under the Direction and Superintendence of the Engineer for the Time being of the *Liverpool* and *Manchester* Railway Company, and so as not to injure the said *Liverpool* and *Manchester* Railway, or obstruct or hinder the free Passage over, upon, or along the same.

Not to cross the *Manchester* and *Liverpool* Railway and Level, without Consent.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said Company hereby incorporated to take or enter upon any of the Lands or Grounds belonging to the *Liverpool* and *Manchester* Railway Company, nor to alter, vary, or interfere with the said *Liverpool* and *Manchester* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *Liverpool* and *Manchester* Railway Company, in every Instance, for that Purpose first had and obtained.

Not to take the Land or interfere with the Works of the *Liverpool* and *Manchester* Railway, without Consent.

XXIV. Pro-

Company not to take certain Land of Charles Walmesley, Esquire, without his Consent.

XXIV. Provided always, and be it further enacted, That the said Company of Proprietors shall not enter, or take, for the Purposes of the said Railway, the Field or Close of Land commonly called the *Croft*, in the Occupation of *Grace Finney*, situate on the Westerly Side of *Belle Green Lane* within the Township of *Ince* aforesaid, and marked in the Plan deposited with the Clerk of the Peace for the County of *Lancaster* with Number Fifty-seven, without the Consent in Writing of *Charles Walmesley* of *Westwood House*, Esquire, his Heirs or Assigns, for that Purpose first had and obtained.

Company to make a Communication between Lands of Charles Walmesley, Esquire.

XXV. And be it further enacted, That the said Company shall and they are hereby required, at any Time or Times hereafter, when thereunto requested in Writing by *Charles Walmesley* Esquire, of *Westwood House*, or other the Owner for the Time being of the Estate called *Bamferlong*, in the Township of *Abram*, to make a communication from and out of the said Estate from the Surface thereof on each Side of and into the Railway hereby authorized to be made, and at such Point as shall be specified in such Request; and such Communication shall in no Place exceed in the Level or Inclination thereof One Inch in a Yard in Length, and shall not be less than Twelve Feet in Width.

Company not to alter Levels of certain Railways;

XXVI. Provided always, and be it further enacted, That the said Company hereby incorporated shall not, in or by the Execution of any of the Powers hereby granted, occasion any Obstruction, Damage, or Injury to or cause any Alteration to be made in the Levels or Inclinations of the Railways used in the working of Coal or Cannel Mines in the Lands or Grounds situate within the Township of *Aspull* in the said County, belonging to *James Alexander Hodson* Esquire, and *James Wood* Gentleman, or either of them, so as to obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Railways, or render the same less convenient or serviceable than they now are, save only such as shall be unavoidable in the making and repairing of the Railway hereby authorized to be made.

nor approach within a certain Distance of Mr. Hodson's Coal Mines.

XXVII. Provided also, and be it further enacted, That the said Company shall not, in making the said Railway hereby authorized to be made, approach nearer than Forty Yards to the Shaft of any Coal Pit situate within the Lands of *James Alexander Hodson* Esquire, in *Aspull* aforesaid, and delineated on the Plan of the said Railway, without the Consent in Writing of the said *James Alexander Hodson* Esquire first had and obtained.

If Cuts are made by the Leeds and Liverpool or Lancaster Canal Companies, under the Authority of 10 G. 3. c. 114. and 32 G. 3.

XXVIII. And whereas under and by virtue of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Cut or Canal from Leeds Bridge in the County of York to the North Lady's Walk in Liverpool in the County Palatine of Lancaster, and from thence to the River Mersey*, and of several subsequent Acts for making and maintaining the *Leeds* and *Liverpool* Canal Navigation, and also under and by virtue of an Act passed in the Thirty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for making*  
and

and maintaining a navigable Canal from Kirkby Kendal in the County of Westmoreland to West Houghton in the County Palatine of Lancaster, and also a navigable Branch from the said intended Canal, at or near Borwick, to or near Warton Cragg, and also another navigable Branch from at or near Gale Moss, by Chorley, to or near Duxbury in the said County Palatine of Lancaster, and of several subsequent Acts for making and maintaining the Lancaster Canal Navigation, Powers and Provisions have been granted for making Two Cuts or Branches intersecting in Two Places the Line of the said intended Railway at the Township of *Aspull* aforesaid: And whereas, in the event of the said intended Cuts or Branches, or either of them, being made, the Communication by the said intended Railway at the Township of *Aspull* aforesaid may be intercepted; be it further enacted, That within Six Calendar Months next after the making any such Cuts or Branches respectively the said Company of Proprietors of the *Wigan* Branch Railway shall and they are hereby required to cause One or more Bridge or Bridges, as the Case may require, to be erected over each and every of such Cuts or Branches, and at all Times hereafter to maintain the same, so as to afford an uninterrupted Communication, by means of the said Railway, between the Township of *Ince* aforesaid and the Turnpike Road at or near *New Springs* or *Barkhill Bridge* aforesaid.

c. 101. the Wigan Company to erect Bridges over them.

XXIX. Provided also, and be it further enacted, That in all Cases where, in exercise 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 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 so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road cut through, raised, sunk, 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 Inconvenience or Obstruction to the Passage along such Turnpike Road.

Provision for Injury to Roads.

XXX. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty-Two Yards in Breadth, except in such Places where any Branch of or Communication with the same shall fall into or communicate with the main Course of the same, or where it shall be judged necessary for Waggon and other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing the Valleys or Low Grounds, or in Cuttings, or where any fixed Steam or other Engines, Warehouses or other Buildings, Cranes

Breadth of Land to be taken for the Railway.



‘ passed in the Eleventh Year of the Reign of His Majesty King  
 ‘ *George* the Fourth, intituled [*here set forth the title of this Act*], do  
 ‘ hereby grant and release to the said Company of Proprietors all  
 ‘ [*describing the Premises to be conveyed*], together with all Ways,  
 ‘ Rights, and Appurtenances thereunto belonging, and all my Estate,  
 ‘ Right, Title, and Interest in the same and every Part thereof; to  
 ‘ hold to the said Company of Proprietors and their Successors  
 ‘ for ever, according to the true Intent and Meaning of this  
 ‘ Act. In witness whereof I have hereunto set my Hand and Seal,  
 ‘ the                      Day of                      in the Year of our  
 ‘ Lord                      .

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

XXXIII. 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 and used by virtue of the Powers of this Act, for the Purposes thereof, which said Lands, Tenements, or Hereditaments shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender of the Lands, Tenements, and Hereditaments comprised therein in the Court of the Manor of which the same may be holden or Parcel, according to the Custom of such Manor; 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 Lords, Lady or Ladies, for the Time being, of the Manor whereof the said Lands, Tenements, or Hereditaments may be holden, shall be willing or desirous to enfranchise the same, in which case such Lord or Lords, Lady or Ladies, whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they 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 Lords, Lady or Ladies, from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he, she, or they would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, he, she, or they 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, her, or them 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 Apportionments of the certain Copyhold or Customary Rents issuing out of such Copyhold

Conveyance  
of Copy-  
holds.

or

or Customary Tenements of which a Part only shall be taken for any of 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, as hereinafter mentioned.

Lords of  
Manors un-  
der Incapa-  
city enabled  
to enfran-  
chise Copy-  
holds and  
apportion  
Rents.

XXXIV. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies, 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, shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies, shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail General or Special, or where he, she, or they cannot, either by levying a Fine or Fines, or suffering a Common Recovery or Common Recoveries, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of under the Direction and with the 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 Lords, Lady or Ladies, of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled shall then be settled or assessed by the Verdict of a Jury if required in Manner hereinafter mentioned; 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 if the Lord or Lords, Lady or Ladies, of any Manor whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Parcel shall have refused or declined to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, or 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 or Parts 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



and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers 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.

XXXV. And be it further enacted, That in all Cases where, in making the said Railway or other Works hereby authorized, 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 Grounds 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 hereinbefore 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 such Right or Rights 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 Common or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Rights shall extend over and be exercised and be 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 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

Waste Lands  
to be conveyed by  
Lords of  
Manors.

Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or over such Common or Waste Grounds, and whose said Estates in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the Whole of the Estates 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 in-  
tersected,  
Company  
compellable  
to purchase  
the whole.

XXXVI. 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 Sides 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.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company any Mines of Minerals or of Coals, or of any Stone or Slate, 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, except as aforesaid, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or any Railway or other Works of the Company, as if this Act had not passed.

Provision to  
prevent Rail-  
way being  
injured by  
working  
Mines.

XXXVIII. Provided always, and be it further enacted, That whenever, in the working or getting of any such Mines of Coal, Stone, Slate, or Minerals, the Owners or Lessees or other Persons working the same shall approach within Forty Yards of any Masonry or Building belonging to the said Company, the Owner, Lessee, or other Person directing the working of any such Mine shall give Notice in Writing thereof to the said Company; and within Twenty-one Days after the Service of such Notice the said Company shall deliver to such Owner, Lessee, or other Person a Declaration in Writing under their Common Seal, whether they require the Coal under such Masonry or Building so lying within Forty Yards thereof, or so much thereof as the said Company shall in such Declaration specify to be reserved for the Protection of such Masonry or Building, and in that Case the said Company shall purchase and pay the Owner, Lessee, or

other Person entitled to the same, for the Coals, Stones, Slate, or Minerals so reserved; and in case the said Company and such Owner, Lessee, or other Person shall not agree as to the Price to be paid for the said Coals, Stones, Slate, or Minerals so reserved, the same shall be settled by a Jury in manner hereinafter mentioned; and in case the said Company shall not desire the said Coals, Stones, Slate, or Minerals to be reserved, or shall not deliver such Declaration in Writing as aforesaid, then and in either of such Cases the said Owners, Lessees, or other Persons may work and get the Coal, Stones, Slate, or Minerals under the said Masonry or Buildings, provided the same be got in the usual and ordinary Manner, doing as little Damage to the said Railway hereby authorized as may be:

XXXIX. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and the Owner and Owners and Occupier 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, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and also Compensation for the Damages to be sustained in making or completing the said Works hereinbefore directed to be made, and also of or by reason of the severing or dividing the same Lands, Tenements, and Hereditaments, and for and on account of the Detriment, Injury, Damage, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies, Trustees, or other Persons, in such gross Sums as shall be agreed upon between the said Owners or Occupiers respectively, or any of them, and the said Company; and in case the said Company and the several Parties interested in any such Lands, Tenements, and Hereditaments cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as hereinafter is directed.

Satisfaction to be made for Lands taken for the Railway.

XL. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Wells, and 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 any other Person so interested, entitled or capacitated to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Company as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company; or if any such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Company, and shall give Notice thereof

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or of any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested, entitled or capacitated to sell as aforesaid, shall (for the Space of Fourteen Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements, or 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 therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or any other Impediment or Disability not provided for by this Act be incapable of treating or 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 produce and fully disclose the State of the Title to the Premises they may be in Possession of, or to the Interest they shall claim therein; 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, Tenements, 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 any ways 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 the Person then in being who last filled the Office of Sheriff or Coroner of the said County not interested as aforesaid, 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, empowered, and required to impanel, summon, and return a Jury of at least Forty-eight 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 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 and 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

Jury to be summoned by the Sheriff or Coroner, or Person who shall last have filled either Office, and not interested.

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 said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person and 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 Five or more of them, to view the Place or Places or 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, 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, remedied, 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 aforesaid, shall be binding and conclusive, to all Intents and Purposes, upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: 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 any such Question shall arise.

XLI. Provided also, and be it further enacted, That in ascer-

Value of  
Land and  
Damages to  
be ascer-  
tained se-  
parately.

tain-  
ing the Sum or Sums of Money to be paid for the Purchase  
of any Lands, Tenements, or Hereditaments to be taken or made  
use of for the Purposes of this Act, the Jury shall also ascertain  
and assess the Compensation and Satisfaction to be made by the said  
Company for any Damages which shall or may at any Time or Times  
hereafter be sustained by any Body or Bodies Politic, Corporate, or  
Collegiate, or by any Person or Persons respectively, being Owner  
or Owners or Occupier or Occupiers of or interested in such Lands,  
Tenements, or Hereditaments, for or by reason of the severing or  
dividing the same from other Lands, Tenements, or Hereditaments  
belonging to such Body or Bodies Politic, Corporate, or Collegiate,  
or to any such Person or Persons as aforesaid, and for or on account  
of the Detriment, Injury, Loss, and Damage or Prejudice which

[*Local.*]

18 H

shall

shall or may accrue to or be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in such Lands, Tenements, or Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway and other Works and Conveniences belonging thereto, or by reason or means 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.

Compensation Money to be apportioned.

XLII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered 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 or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to be recorded.

XLIII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present 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 of 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 good Evidence 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, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriff, Jurors, or Witnesses making Default.

XLIV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person hereinbefore authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any 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, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, then and in every such Case every such 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, Tene-

Tenements, or Hereditaments shall be situate, by Distress or Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

XLV. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and 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 same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Jurors to be under the same Regulations as those of the Courts at *Westminster*.

XLVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for more Money than shall have been previously offered or tendered by the said Company for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or as a Compensation or Recompence for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning such Jury, and the Expences of Witnesses, shall be borne by the said Company; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, unless such Treasurer or Treasurers shall pay such Costs out of the Monies received by him by virtue of this Act, 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 any 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 or Person entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the

By whom Expences of Juries shall be paid.

said

said Costs, the same shall be settled and ascertained by the Sheriff of the said County Palatine of *Lancaster*, who is hereby authorized and required to examine into and tax and settle the same, and to appoint a Time and Place for the Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid by such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance or Remainder of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster* or *Lancaster*, together with full Costs of Suit.

Persons requesting Juries shall enter into Bond to prosecute their Complaint and pay Expences.

XLVII. And be it further enacted, That all and every Person or Persons with whom the said Company shall have any such Controversy or Dispute shall, before the said Company shall be obliged to issue out their Warrant or Warrants 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 his, her, or their Complaint, and to bear and pay his, her, or their Proportion 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 him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Notice of Injury to be given to the Company before Complaint made.

XLVIII. 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, receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained or supposed to be sustained, or having been discovered to have been sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, 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 Person 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.

XLIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums 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, as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested



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 Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England* as hereinafter directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and Hereditaments respectively; 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 any Person or 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 and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding 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 the Purpose of making the said Railway or other Works hereby authorized to be made, without the Consent of the Owners or Occupiers thereof in Writing made under their respective Hands.

L. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons, in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purpose of this Act, and who shall have no greater Interest in the Premises than as a Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors hereby established, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Three Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, 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 or Times 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 Three Calendar Months as he, she, or they shall be required to give up such Possession; 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

Tenants  
from Year to  
Year to de-  
liver Posses-  
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to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interests of such Tenants may be settled by a Jury.

LI. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Lands, Tenements, or Hereditaments occupied by him, to the said Company, or to any Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee in such Lands, Tenements, or Hereditaments, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands, Tenements, and Hereditaments in the Occupation of such Tenant or Lessee, as hereinbefore mentioned, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Lands, Tenements, and Hereditaments; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company is in and by this Act provided for and directed to be made and assessed.

Persons holding under Leases to produce the same.

LII. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in 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, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person to produce or shew the Lease, Demise, 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 shewn, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Mortgages to be conveyed to Company after Tender.

LIII. And be it further enacted, That all and every Person and 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 and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or 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

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, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner hereinbefore directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Premises, so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant as hereinbefore directed: 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 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, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts 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 the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever; provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees 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, her, or their Interest in such Lands, Tenements, and 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 or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him or them, in the said Lands, Tenements, or Hereditaments the Value whereof 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 of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

LIV. 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 or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured 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, 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 Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company of the other Part; and in case of any Difference or Disagreement 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 or Disagreement; 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 or Mortgagees, in satisfaction of his or their Claim so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign, as hereinbefore directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank, as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees so 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 due or secured thereon: Provided nevertheless, that notwithstanding any thing hereinbefore contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of his, her, or their 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 Purposes aforesaid, as he, she, or they 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 or Mortgages.

Application of Compensation Money when amounting to 200l.

LV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporate, Aggregate or Sole, Tenant for Life or in Tail, or to any 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 to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any

Person under any other Disability or Incapacity, such Money shall, in case the same shall 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 *Wigan* Branch 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, 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 a Petition to be preferred 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, or 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 same Lands, Tenements, or Hereditaments, or affecting other 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 said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest or annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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.

LVI. Provided always, and be it further enacted, That if any Money so 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

[Local.]

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Twenty

Application  
of Compensation  
Money when  
less than  
200*l.* and  
exceeding  
20*l.*

Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of 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 hereinbefore 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 Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is hereinbefore 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 obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l*.

LVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last hereinbefore mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or 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 his, her, or their own Use and Benefit; or, in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles, or Persons entitled not being found, the Money to be paid into the Bank.

LVIII. And be it further enacted, That in case the Person or Persons to whom any Sum of 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 not be able to make a good Title to the Premises, to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid 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, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court;

Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, as to the same 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 Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sums or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum of Money into the Bank of *England* as aforesaid.

LIX. 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, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons 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 Persons, or under the Possession of such Person or Persons, 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 shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

LX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons 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 Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall

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

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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Enabling the Company of Proprietors to sell Lands not wanted.

First Offers to be made to Owners of adjoining Lands.

LXI. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by Public Auction or Private Contract, as they shall find most convenient and advantageous, to such Person or 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 thereof notwithstanding: Provided always, that the said Company, before they sell and dispose of any such Piece of Land or Ground, shall first offer to sell the same to the Person or Persons 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, 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 or Intention to purchase such Lands, Tenements, and Hereditaments for the 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*, or for the said Borough of *Wigan* (as the Case may require), by some Person or Persons 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 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



duced by the Sale or Sales which may be made by the said Company of such Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

LXII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from or by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Treasurer, upon Payment of Money, to give Receipts.

LXIII. And whereas it may tend to the Public Advantage and Accommodation if the said Company were empowered to purchase any Quantity of Land, in addition to the Lands, Tenements, and Hereditaments which they are hereinbefore enabled to take and enter upon as aforesaid, not exceeding Fifteen Statute Acres, and also to purchase any Messuages or other Buildings for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniencies for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, Tenements, or Hereditaments, not exceeding in the whole Fifteen Statute Acres, in such Place or Places as shall be deemed eligible or convenient for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Coals, Merchandize, or other Articles or 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 and Branches, which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, Tenements, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is hereinbefore directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway and Branches.

Power to purchase Lands for Wharfs, &c.

LXIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered,

[*Local.*]

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Company may sell any Part of such from

Lands, and purchase other Lands not exceeding the prescribed Quantity.

from Time to Time and at any Time or Times hereafter, to sell and dispose of such additional Messuages, 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 Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments 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 become the Purchaser thereof; and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments 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 by the said Company for any of the Purposes hereinbefore 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.

Restraining the Company from purchasing more than Fifteen Acres of Land from incapacitated Persons.

LXV. And whereas the said Company are enabled to purchase Fifteen 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 and completing the said Railway, and all Bodies, and all other 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 so purchased from any Body or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or other Person being under legal Disability or Incapacity, in lieu or stead 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 Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants 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 Fifteen Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Fifteen 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 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, 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 or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, 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 in stead of those Fifteen Statute Acres or any Part thereof so sold or disposed of by the said Company.

LXVI. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, 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, and 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 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; and 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, except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; 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 Conveyances.

The word "grant" in Conveyances to amount to certain Covenants.

LXVII. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted, That the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made 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 the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Township out of the Monies to arise by virtue of this Act, all such Sum and Sums

Deficiencies in Land Tax to be made good by Company.

Sums of Money as shall be deficient in the said several Assessments for Land Tax within any such Parish or Township by reason or means of taking down or using, for the Purposes of this Act, any Houses, Buildings, and 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 shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

The whole  
Expence to  
be sub-  
scribed be-  
fore Work  
commenced.

LXVIII. And whereas the probable Expence of making the said Railway and other Works hereby authorized to be made will amount to the Sum of Seventy thousand Pounds, and the Sum of Fifty-seven thousand Pounds, being more than Four Fifth Parts thereof, has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the Whole of the said Sum of Seventy thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors  
to raise  
amongst  
themselves  
the Sum of  
£70,000,  
to be divided  
into Shares  
of £100  
each.

LXIX. 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 completing the said Railway and Branches, and the inclined Planes, Ways, Yards, Quays, Wharfs, Bridges, Piers, Arches, Embankments, Cuttings, Tunnels, 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 Conveniencies, not exceeding in the whole the Sum of Seventy thousand Pounds, the whole divided into Seven hundred Shares of One hundred Pounds each, and such Seven hundred 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

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.

LXX. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Persons, 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.

LXXI. 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 to be made, and for other the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or by the Directors of the said Company named and appointed as hereinafter 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 Company or by the said Directors; and in case any Person or Persons shall refuse or neglect to pay the same at the same Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

To compel  
Payment of  
Subscrip-  
tions.

LXXII. And be it further enacted, That every Body and Bodies Politic, Corporate, or Collegiate, or Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of any Share or Shares not exceeding Twenty Shares in the said Undertaking, and their, his, or her respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each and every such Share; and every such Body Politic, Corporate, or Collegiate, or Person, as aforesaid, as shall have subscribed for or become entitled to Twenty Shares and upwards in the said Undertaking, their, his, or her respective Successors, Executors, Administrators, and Assigns, shall, over and above the Twenty Votes which he, she, or they shall have for and in respect of the first Twenty Shares, have an additional Vote for every Ten Shares which they, he, or she shall have subscribed for or shall become entitled to in the said Undertaking beyond the said Number of Twenty 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 Politic, Corporate, or Collegiate, or under the Hands of the other Proprietors appointing such Proxy; 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 de-

Directing  
how Sub-  
scribers shall  
vote.

[*Local.*]

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terminated



LXXV. And for the 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 their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who 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 of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and shall also 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, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk of the said Company Two Shillings and Sixpence, and no 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 or her 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; which said Certificate or Ticket may be in the Words or to the Effect following; *videlicet*,

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

‘ *Wigan Branch Railway Company.*

‘ Number  
 ‘ THESE are to certify, That  
 ‘ of is a Proprietor of the Share  
 ‘ Number of the *Wigan Branch Railway*, subject to the  
 ‘ Rules, Regulations, and Orders of the said Company; and that the  
 ‘ said , his [*or her*] Executors,  
 ‘ Administrators, [*or Successors,*] and Assigns, has 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

Form of Certificate.

LXXVI. And be it further enacted, That if any such Certificates or Tickets as aforesaid shall be worn out or damaged, then, upon the same being brought and shown to the Clerk of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given, under the Common Seal of the said Company, to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that time vested; or in case such Certificates or Tickets shall be lost, or burnt, or totally destroyed, then, upon due Proof thereof, like or similar Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket

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

which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

Proprietors  
may raise an  
additional  
Sum, if ne-  
cessary, by  
Mortgage.

LXXVII. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Railway and other Works hereby authorized to be made, 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 an Order of any General Meeting of the said Company, to borrow and take up at Interest any such further or additional Sum, not exceeding the Sum of Seventeen thousand five hundred Pounds, on the Credit of the said Undertaking, as to them shall seem meet and 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 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 such Person or Persons, or to his or their Trustee or Trustees, as shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company in the Words or to the Effect following; (that is to say,)

Form of  
Mortgage.

(Number .)

BY virtue of an Act passed in the Eleventh Year of the Reign of King George the Fourth, [*here set forth the Title of the Act,*] we, the Company of Proprietors of the *Wigan* Branch 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 [*or her*] 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 [*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 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 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 Assignment, or 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





their respective Jurisdictions), 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 One or more Person or Persons to receive the Whole or such Part or Parts 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 or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs 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 and Receivers 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*.

Mortgagees  
not to vote.

LXXIX. 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 or her having lent or advanced any Sum or Sums of Money on such Mortgage or Assignment.

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

LXXX. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the additional Sum of Seventeen thousand five hundred Pounds by Mortgage, and shall afterwards be required or be desirous of paying 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, 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 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, 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 more than the Sum of Seventeen thousand five hundred Pounds in the whole at any One Time.

Application  
of Money to  
be raised.

LXXXI. 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, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and of all other Expences preparatory or relating thereto; and all the Residue and Remainder of such Money shall be applied in and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway and other Works, and other the Purposes of this Act.

First and  
other Gene-  
ral Meetings.

LXXXII. And be it further enacted, That the said Company shall meet together at some convenient Place within the Town of *Wigan* aforesaid, within Two Calendar Months next after the passing of

this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, 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 First General Meeting of the said Company there shall be a General Meeting of the said Company on the Second *Monday* in the Month of *April* in each and every Year, or within the Space of Ten Days next thereafter, and also such and so many Special General Meetings of the said Company as shall be called as hereinafter provided; of which said General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given by Advertisement in some One or more Newspaper or Newspapers usually circulated in the said County Palatine of *Lancaster*, and which said Notice shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be held at *Wigan*, *Liverpool*, or *Newton*, as the Directors of the said Company for the Time being shall deem proper, and the same may be adjourned from Time to Time and from Place to Place, as shall be found expedient.

LXXXIII. And be it further enacted, That the said Company hereby established, at each of their General Meetings shall and may appoint some Proprietor present to be Chairman, and such Chairman shall, in addition to his Vote or Votes as a Proprietor or Proxy, have, in case of an Equality of Votes, the decisive or casting Vote.

Chairman of  
General  
Meetings to  
be appointed,  
&c.

LXXXIV. And be it further enacted, That the said Company shall at some General Meeting elect and choose a Treasurer and 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 hereinbefore directed, from Time to Time to remove and displace such Treasurer and Clerk or either of them, or any Person 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 Clerk or Treasurer 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 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  
and Clerk to  
be appointed.

Treasurer to  
give Security.

LXXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of any such

Same Person  
not to be  
Clerk and  
Treasurer.

such Clerk, 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 the Partner of such Treasurer, to be the Clerk to the said Company; and if any such Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act or in any Manner officiate as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office 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 or Persons 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

General  
Meetings  
may make  
Bye Laws.

LXXXVI. And be it further enacted, That the said Company shall have Power and Authority from Time to Time, and 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 Superintendance and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to 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 Meetings 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 hereinafter 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 shall not be 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 hereinafter mentioned.

LXXXVII. And

LXXXVII. 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, Receivers or Collectors of the Rates, and other Officers of the said Company.

General Meetings may examine Accounts.

LXXXVIII. And be it further enacted, That the said Company, at such First General Meeting to be held as hereinbefore is mentioned, or at some Meeting or Meetings to be held by Adjournment from such General Meeting, shall choose and elect Twelve Persons to be Directors to manage the Affairs of the said Company, who shall be Proprietors, and respectively possessed in their own Right of Five Shares at the least in the said Undertaking, and who shall be elected and chosen by the other Proprietors present at such Meeting by themselves or their Proxies; and of the Twelve Directors so elected as aforesaid Five shall be competent to act; and the several Persons so to be elected 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 *April* in the Year of our Lord One thousand eight hundred and thirty-one, and until others shall be nominated and elected in their Stead, in pursuance of this Act.

Election of Directors.

LXXXIX. And be it further enacted, That at the General Meeting to be held in the Month of *April* which will be in the Year of our Lord One thousand eight hundred and thirty-one, Four of the Directors elected by the said Company as aforesaid, to be chosen by Lot amongst themselves, shall go out of Office and cease to be Directors of the said Company, and Four other 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 *April* which will be in the Year of our Lord One thousand eight hundred and thirty-two Four other of the Directors who shall be so 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 *April* which will be in the Year One thousand eight hundred and thirty-three the remaining Four of the Directors who shall be so 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 *April* in every subsequent Year Four of the 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.

Service of Directors.

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

Directors going out of Office to be re-eligible.

No Person holding Office shall be a Director.

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

For supplying Vacancies in Direction.

XCII. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as Director, or cease to be a Director from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every such 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 or remained in Office.

Business of Special and Adjourned General Meetings.

XCIII. 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 other Business shall be transacted at any Adjourned Special or General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

General Meetings for choosing Directors to consist of not less than 13 Persons possessed of 100 Shares.

XCIV. Provided also, and be it further enacted, That if at any General Meeting there shall not be Thirteen Persons present who shall be possessed of or entitled to at least One hundred Shares in the said Undertaking, either as Principals or Proxies, within Two Hours 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; and if a sufficient Number of Proprietors, as Principals or Proxies, shall not then attend, the said General Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at any such General Meeting there shall be a sufficient Number of Proprietors, as Principals or Proxies, present, when the Meeting shall proceed to Business, and not before; 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.

Chairman and Deputy Chairman of Directors to be elected.

XCV. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be holden next after the First General Meeting of the said Company, and so as at the First Meeting of the Directors which shall be holden next after the annual Meeting in the Month of *April* in each and every Year, or at the First Meeting holden next after the Election of the Four Directors in the Place of the like Number of Directors hereby required to go out of Office by Rotation as aforesaid, or the Majority of the Directors then present, 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

become disqualified to act, it shall be lawful for the said Directors, in like Manner, at the Meeting to be held next 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 and Stead he may be so elected would have been entitled under the Provisions of this Act to have continued, if such Death, Resignation, or Disqualification had not happened.

XCVI. 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 One of the Directors of the 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.

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

XCVII. 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 hold any other Office or Place of Trust or Profit under the said Company, or if such Director, or any Clerk, Treasurer, or any other Officer or Servant of the said Company, 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 or succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, or in case any such Director shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, every such Person, being a Director as aforesaid, shall thereby be disqualified from voting or acting at any Meeting of such Directors, and his Office shall thereupon become vacant, and being such Clerk, Treasurer, or other Officer or Servant, shall thereupon be immediately discharged from the Service or Employ of the said Company.

Disqualification of Directors, or Chairman or Deputy Chairman of Directors.

XCVIII. 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, 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 the General and Special Meetings of the said Company; 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 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, Messuages, Tenements, or other Hereditaments, and Engines and Materials, for the Use of the said Undertaking, 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

Powers and Duties of Directors.

Com-

Company, (except the Treasurer and Clerk hereinbefore directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, and Recompences as to the said Directors shall seem proper; and upon the Death or Removal or displacing of any of the said Officers and Servants from Time to Time, another or others to appoint in his or their Place or Places; 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 their respective Duties as they may think proper or reasonable; and no Director, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote at any Meeting of the said Directors, except the Chairman of such Meeting, who in case of an equal Division shall have a second or casting Vote, although he may have given One Vote before as Principal or Proxy; and every such Meeting of Directors shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make a 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 or cause to be kept full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all and every Person or Persons employed by or under them, and of all and every Sum and Sums of 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 whomsoever employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or in or with any Part thereof, and shall regularly write, insert, and enter, or cause to be written, inserted, and entered, 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 shall require,) of every such Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors.

Meetings of Proprietors may be specially convened.

XCIX. And be it further enacted, That Five or more Proprietors of the said Company, holding Five Shares each or upwards in the said Undertaking, by Writing under their Hands, left at the Office of the said Company, or given to any Director of the same Company, or left at his last or usual Place of Abode, may require the Directors to call a Special General Meeting, so as such Requisition fully express the Objects 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 Ten Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Ten Days Notice thereof in any One *Liverpool* Newspaper; 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 said Company, or of the major Part of them 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 hereinbefore appointed for holding the same.

C. 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 or Persons as they shall respectively appoint for that Purpose, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, and received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and 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 or her to such Person or Persons 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, or to such Person or Persons 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 or Persons, all Books, Papers, and Writings in his or her 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 Person on their Behalf, to any Justice of the Peace for the County Palatine of *Lancaster*, or for the Borough of *Wigan* (within their respective Jurisdictions), such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her 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 such 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 he 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 or Chattels 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

Officers to  
account.

Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand to commit such Officer or Person to the Common Gaol or House of Correction of the said County Palatine of *Lancaster* or Borough of *Wigan*, (as the Case may require,) there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and paid the Compensation Money to the said Directors or the said Company, (and which Compensation the said Directors and the said Company are hereby respectively empowered to make,) and shall have delivered up all such 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 no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Proceedings  
to be entered  
in a Book.

CI. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company as of the Directors, 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 deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Accounts to  
be kept of  
Receipts and  
Disburse-  
ments.

CII. And be it further enacted, That the said Company or the Directors thereof shall and they are hereby required, from Time to Time, and at all Times, to order and direct a Book or Books to be provided and kept by their Treasurer or Book-keeper for the Time being, in which Book or Books such Treasurer or Book-keeper shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Proprietors in the said Undertaking, or any Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Proprietors in the said Undertaking, and Creditors, 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 Treasurer or Bookkeeper shall refuse to permit or shall not permit the said Proprietors, or such Creditors, or any of them, to inspect the same, at all seasonable Times, or take such Copies or Extracts as aforesaid, such Treasurer or Bookkeeper shall forfeit and pay any Sum not exceeding Five Pounds.

CIII. Pro-

CIII. 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 said 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 also in some Newspaper usually printed or circulated at *Manchester*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Notices, how to be given.

CIV. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep, or cause to be entered and kept, 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 Owners and Proprietors thereof, to 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.

Clerk of the Company to enter and keep an Account of the Places of Abode of Proprietors.

CV. 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 or proper Person to execute such Office or Offices in the Place of the Person or Persons who shall die, or be removed from or quit the Service of the said Company; and in case any such new 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 or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Company at such Annual General Meeting shall think proper.

Directors may appoint temporary Treasurer or Clerk.

CVI. And be it further enacted, That the said Directors shall have Power from Time to Time to make 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 from Time to Time shall find necessary for those Purposes, so that no such Call shall

Power of Directors to make Calls.

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 Two Calendar Months at the least from each other, and Fourteen Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some One or more Newspapers usually printed or circulated in the said County Palatine of *Lancaster*; which Monies so called for shall be paid to such Person or 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 or her rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons and at such Time and Place as the said Directors shall from Time to Time direct and appoint; and if any Owner of any such Share shall not so pay such his or her 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 to pay such his or her rateable or proportionable Part, together with the Interest, if any accrue for the same, for the Space of Three Calendar Months after the Day appointed for 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 Impar lance, 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 in manner aforesaid to be forfeited in manner hereinafter directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until such 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 to or left at the last known usual Place or Places of Abode of the Owner or Owners of such Share, nor until the Declaration of Forfeiture by 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 be confirmed by such Annual or Special General Meeting, the said Company, by such Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited.

If Calls are not paid, Directors may sue for the same, or declare the Shares to be forfeited.

No Advantage to be taken of Forfeiture of Share, without Notice.

If the Purchase Money for such Shares shall be more than sufficient to

CVII. 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, and the Expence attending

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ing 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 their Directors shall not by virtue of this Act sell or transfer, or direct to be sold or 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 Call 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.

pay the Arrears of Calls, &c. Surplus to be paid to Owners, on Demand.

CVIII. 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 to 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 or Defendants, being a Proprietor or Proprietors of so many Shares in the said Undertaking, is or are indebted to the said Company or the said Directors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), 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 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 is directed by this Act, without proving the Appointment of the Directors who made such Call or 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 Two Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

Proceedings in Actions for Calls.

CIX. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, 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

For ascertaining the Proprietorship of Shares in certain Cases.

[Local.]

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ascertain

ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share, or to maintain any Action or Suit or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property of any Share in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor thereof, to any other Person, 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* or for the Borough of *Wigan*, as the Case may be, stating the Manner in which such Share hath been passed to such other Person, his or her Executors, Administrators, Successors, or Assigns; 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, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of 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 Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for, and if such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, 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 the same Share or 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, then and in that Case 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 Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or, in the event of the Share or Shares being disposed of as aforesaid, of the last Person 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 Person or Persons cannot be ascertained upon due Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Subscriber 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 Shares shall be forfeited in manner aforesaid, except only, in case of the Subscriber or Subscribers being Abroad, the Share or Shares shall not be forfeited until the Expiration of Six Calendar Months

Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *England*, or inserted in the *London Gazette* as aforesaid.

CX. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Company, either personally or by Proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls, although the Time limited for Payment thereof may not have expired.

Proprietors in arrear not to vote.

CXI. And be it further enacted, That all 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 Meetings; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors to be under Controul of General Meetings.

CXII. 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 hereinbefore 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.

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

CXIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective

Shares may be sold.

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 may be in the following Words, or to the like Effect, varying in the Names and Descriptions of the contracting Parties as the Case may require:

Form of Conveyance. ' I of of in consideration  
 ' of paid to me by  
 ' transfer to the said , do hereby assign and  
 ' *the Case may be*], numbered Share [*or Shares, as*  
 ' taking called "The *Wigan* Branch Railway Company;" to hold unto of and in the Under-  
 ' 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 hereof; and I the said  
 ' do hereby agree to accept and take the said Share [*or*  
 ' Shares], subject to the same Rules, Orders, Restrictions, and Con-  
 ' ditions. 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 or Shares, 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 One Shilling 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.

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

CXIV. And be it further enacted, That no Person shall sell or transfer any Share or Shares which he or she 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 such Share, though the Time for Payment of the same may not have arrived, unless he or she at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors 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.

CXV. And



CXV. 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 *March* 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; and at the 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, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Accounts to be made up annually.

CXVI. And whereas by the Marriage or Death of 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 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 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 Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or 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 or Books which shall be kept by the said Clerk for the Entry of Transfers of Sales of Shares in the said Railway; 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 shewn to the said Clerk, or a Copy of so much of the said Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a

For ascertaining the Proprietorship of Shares in Case of the Marriage or Death of Proprietors.

Master or Masters 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 hereinbefore mentioned; when the Right and Property of any Share of the said Railway shall pass from the original Proprietor or Proprietors thereof, or any other Person, by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit, or solemn Affirmation, in Writing, shall be made and sworn to or solemnly affirmed to by some credible Person or Persons before a Master or Masters Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have 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 or Names 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 Entries, as hereinbefore directed, the Sum of Two Shillings and Sixpence, and no more.

Receipt of the Person in whose Name Shares stand for Dividends to be good.

CXVII. And be it further enacted, That the Receipt or Receipts of the Person or of any of the Persons in whose Name or Names any Share of the said Undertaking shall stand in the said 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.

Receipt of Parents or Guardians of Minors shall be sufficient.

CXVIII. 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 said Company and their Treasurer for the same.

Rates of Tonnage to be taken.

CXIX. And in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway and Branches and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Wares, and Merchandize, and other Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway and Branches, or upon any Part thereof, the Rates, Tolls, and Duties hereinafter mentioned; that is to say,

For all Limestone, Dung, and all Sorts of Manure, and Coal Slack, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggon of any Person or Persons or

Body Corporate other than the said Company, a Sum not exceeding One Penny *per Ton per Mile* :

For all such last-mentioned Articles which shall be only drawn or propelled by and at the Expence of the said Company, or only carried in the Waggons of the said Company, a Sum not exceeding One Penny Halfpenny *per Ton per Mile* :

For all such last-mentioned Articles which shall be drawn or propelled and carried by and at the Expence of the said Company, a Sum not exceeding Two-pence *per Ton per Mile* :

For all Coal and Lime, and all Materials for making or Repairs of the public Highways or Roads, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding One Penny Farthing *per Ton per Mile* :

For all such last-mentioned Articles which shall be only drawn or propelled by and at the Expence of the said Company, or only carried in the Waggons of the said Company, a Sum not exceeding One Penny Three Farthings *per Ton per Mile* :

For all such last-mentioned Articles which shall be drawn or propelled and carried by and at the Expence of the said Company, a Sum not exceeding Two-pence Farthing *per Ton per Mile* :

For all Coke, Charcoal, Cinders, Stones, Sand, Clay, Building, Pitching, and Paving Stones, Flags, Bricks, Tiles, and Slates, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding Two-pence *per Ton per Mile* :

For all such last-mentioned Articles which shall be only drawn or propelled by and at the Expence of the said Company, or only carried in the Waggons of the said Company, a Sum not exceeding Two-pence Halfpenny *per Ton per Mile* :

For all such last-mentioned Articles which shall be drawn or propelled and carried by and at the Expence of the said Company, a Sum not exceeding Three-pence *per Ton per Mile* :

For all Sugar, Corn, Grain, Flour, Dye Woods, Timber, Staves, Deals, Lead, Iron, and other Metals, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding Two-pence Halfpenny *per Ton per Mile* :

For all such last-mentioned Articles which shall be only drawn or propelled by and at the Expence of the said Company, or only carried in the Waggons of the said Company, a Sum not exceeding Three-pence *per Ton per Mile* :

For all such last-mentioned Articles which shall be drawn or propelled and carried by and at the Expence of the said Company, a Sum not exceeding Three-pence Halfpenny *per Ton per Mile* :

For all Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, or Things, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate

rate

rate other than the said Company, a Sum not exceeding Three-pence *per Ton per Mile* :

For all such last-mentioned Articles which shall be only drawn or propelled by and at the Expence of the said Company, or only carried in the Waggons of the said Company, a Sum not exceeding Three-pence Halfpenny *per Ton per Mile* :

For all such last-mentioned Articles which shall be drawn or propelled and carried by and at the Expence of the said Company, a Sum not exceeding Four-pence *per Ton per Mile*.

Power to take Tolls for Coaches and other Carriages passing along the Railway.

CXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Landaus, Gigs, Waggons, Carts, and other Carriages which shall be used on the said Railway and Branches, or any Part thereof, for the Conveyance of Passengers or Cattle, the several Tolls hereinafter mentioned ; (that is to say,)

For every Person passing in or upon any such Carriage not drawn nor propelled nor provided by and at the Expence of the said Company, any Sum not exceeding One Shilling and Sixpence for any Distance :

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or other Cattle, carried in or upon any such Carriage not drawn nor propelled nor provided by and at the Expence of the said Company, any Sum not exceeding Four-pence *per Mile* :

For every Calf, Sheep, Lamb, or Pig passing in or upon any such Carriage not drawn nor propelled nor provided by and at the Expence of the said Company, any Sum not exceeding Nine-pence for any Distance :

And for all Persons, Cattle, and other Animals passing in or upon any such Carriage either drawn or propelled or provided by and at the Expence of the said Company, such reasonable Charge as shall from Time to Time be determined by the said Company.

The Company not to be compelled to receive less than 6*d.* per Ton for short Distances.

CXXI. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed along the said Railway or Branches for so short a Distance that the Rate or Sum of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to the Sum of Sixpence *per Ton*, the said Company shall be at liberty, and they are hereby authorized and empowered, to demand and receive the Sum of Sixpence *per Ton* thereon, provided the Weight shall be One Ton or more, and if less than a Ton, it shall still in such Case be deemed to be a Ton, and chargeable with Sixpence, as if the same were a Ton in Weight ; any thing in this Act contained to the contrary thereof notwithstanding.

Regulations as to fractional Parts

CXXII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the Rates shall be deemed and

and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway, the Rate of Tonnage which shall be deemed and taken for the Conveyance of Goods shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as One Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks to be set up, and for ever maintained, at the Distance of One Quarter of a Mile from each other, with proper Inscriptions: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties by this Act authorized to be demanded or taken until the said Railway shall have been so measured, and the Stones or other conspicuous Parts set up, as hereinbefore directed.

of a Ton or  
Mile.

CXXIII. 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 Body or Bodies Corporate, being Owners of an adjoining Railway, for any Term which the said Company shall think proper, not exceeding Three 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 Person 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 in some Newspaper circulated within the said County Palatine of *Lancaster* at least Twenty-one 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.

Power to  
lease the  
Tolls.

CXXIV. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and so often as they shall think fit, to lessen and reduce all or any of the Rates, Tolls, and Duties hereinbefore by this Act authorized to be taken, for or in respect of all or any of the Articles or Things hereinbefore specified or mentioned, which shall be conveyed upon the said Railway or any

Power to  
reduce the  
Tolls.

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 hereinbefore set forth and authorized to be collected, subject to the Regulations in this Act contained relating to the same.

Rates, &c.  
not to be  
raised or  
lowered par-  
tially.

CXXV. Provided always, and be it further enacted, That in raising or lowering the said Rates, Tolls, and Duties payable under this Act, or the Sum or Sums of Money to be paid to the said Company for the Carriage and Conveyance of Goods, Wares, Merchandize, Articles, Matters, and Things carried and conveyed along the said Railway and Branches, so that all and every the Rates, Tolls, and Duties, Sum and Sums of Money so to be paid as aforesaid, shall be so fixed as that the Rate, Toll, and Duty per Mile shall be the same on each Article so carried and conveyed, and shall be taken from all Persons alike, under the same or similar Circumstances.

Company  
may fix the  
Prices of  
small Par-  
cels.

CXXVI. 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 hereinbefore directed, to make such Orders for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates, as to them shall seem meet, fitting, and reasonable.

A List of the  
Tolls to be  
affixed in  
conspicuous  
Places.

CXXVII. 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 stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon every public Wharf and upon every Stoppage or Toll House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken, and of the Price or Prices, Sum or Sums of Money, so allowed to be taken for the Carriage of all and every such Parcel and Parcels not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railway or any Part thereof respectively: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any such Rates, Tolls, or Duties, but for and during such Time as the Boards so painted as aforesaid shall remain so affixed as aforesaid.

Persons de-  
manding  
more than  
the proper  
Rate or Toll  
subject to  
Penalty.

CXXVIII. And be it further enacted, That in case any Owner or Master or other Person belonging to any Waggon or other Carriage belonging to the said Railway or any Part thereof respectively, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Five Pounds.

CXXIX. And

CXXIX. And be it further enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he, she, or they 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.

Penalty on  
Persons  
defacing  
Boards.

CXXX. 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, immediately on his coming on Duty, each of the Letters of such Name or 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 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 the same Tolls, Rates, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll, Rate, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer any Person to read or shall in anywise hinder any Person from reading the Inscriptions 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 said Tolls, Rates, or Duties, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Duty being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Passenger from passing through any Turnpike or 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 for every such Offence any Sum not exceeding Five Pounds.

For prevent-  
ing Toll Col-  
lectors mis-  
behaving.

CXXXI. And be it further enacted, That the Rates of Tonnage and other Sums hereby authorized and made payable for the Use of the said Railway, or for the Carriage of Goods, Wares, Merchandize, Matters or Things, Passengers or Cattle, to be carried or conveyed upon such Railway, shall be paid to such Person or Persons, at such Place or Places, and upon or near the said Railway, in such Manner and under such Regulations as the said Company, at some General or Special Meeting or Meetings, or as the said Directors, shall, by Notice annexed to the Account or List of Tolls, Rates, and Duties, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Duties shall amount to the Sum of Ten Pounds or upwards, sue for and recover the same by Action of Debt or upon the Case in

Recovery of  
Rates.

any

any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Sums 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 Duties 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 hereinbefore mentioned.

Disputes  
about the  
Amount of  
Rates to be  
settled by  
Justices.

CXXXII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due or 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 until the Amount of the Rates, Tolls, or Duties due, and 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* or for the Borough of *Wigan* (within their respective Jurisdictions), who, upon Applications made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the 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.

Owners of  
Waggons to  
give an Ac-  
count of  
Lading.

CXXXIII. And for the better ascertaining and more easy collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners or Person or Persons having the Care of every Waggon or other Carriage, passing upon the said Railway or upon any Part thereof respectively, shall give an exact and true Account, in Writing signed by him or them, to the Collectors of the said Rates and Tolls at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such his, her, or their Waggon or other Carriage, and, with respect to such Waggon or other Carriage, from whence brought, and where the same are 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, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or to produce his or their 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



other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the said County Palatine of *Lancaster* or for the Borough of *Wigan* (within their respective Jurisdictions), 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 refused to be given, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

CXXXIV. And for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rate as aforesaid, 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 Weight shall be deemed, rated, or estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber, that 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.

CXXXV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, or any Tollkeeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things therein or thereon, 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 respectively contained; and in case the same shall upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner, or Person giving in such Account, shall 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 such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Quantity than the same shall by such Account appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or the Owner or Owners of such Goods and other Things, such Damage as shall appear to any Justice of the Peace for the County Palatine of *Lancaster* or for the Borough of *Wigan* (within their respective Jurisdictions), on the Oath of any credible Witness,

In case of  
Difference  
concerning  
Weight, Col-  
lector may  
weigh or  
measure  
Waggon.

to have arisen from 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 the 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 Owner or Owners of such Goods or other Things, 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 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).

Rates to be paid at such Places as the Company shall direct.

CXXXVI. And be it further enacted, That the Rate of Tonnage hereinbefore authorized to be demanded and taken, and also the several other Rates and Duties by this Act granted to the said Company, shall be paid to such Person or Persons, at such Place or Places, at, upon, or near the said Railway and Branches, in such Manner and under such Regulations, as the said Company at some General or Special Meeting or Meetings, or as the said Directors, shall, by Notice to be annexed to the Account or List of Tonnage or Rates and Duties, direct and appoint ; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere, or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may and he and they is and are hereby empowered to seize the Goods and Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, together with the reasonable Charges for such Seizure and Detention ; and if such Goods shall not be redeemed within Thirty Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent ; and the Person or Persons making such Seizure, Detention, and Sale, or the said Company, shall not be accountable for any Accident, Loss, Injury, or Damage which may accrue to the same Goods, Horses, Cattle, Waggon, or other Carriages, and other Things, in consequence of such Seizure, Detention, and Sale.

Owners to put their Names on the Outside of their Waggon.

CXXXVII. And for the better Regulation of the Owners of Waggon and other Carriages, and others employed by and under them 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 or Owners of every Waggon or other Carriage passing along

along the said Railway shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk of the said Company, and shall also cause such Name or Names and Place or Places of Abode and Number to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high 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 or 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 by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous part of the Outside thereof; and every Owner or Owners or other Persons having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Gauge and Weight and such Names and Figures marked thereon respectively as hereinbefore directed, or who shall alter, erase, or deface such Gauge and Weight and Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

CXXXVIII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway shall be and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief which may be done by his, her, or their Waggon or other Carriage, or for any of the Waggoners or Drivers or other Person or Persons belonging to or employed by him, her, or them respectively, in or about the same respectively, to the said Railway, or to any Bridges, Engines, Embankments, Cuttings, inclined Planes, Tunnels, or other Works or Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of any such Person before some Justice of the Peace, either by the Confession of the Party or Parties offending or upon the Oath of some credible Witness, pay to the Person injured the Damages to be ascertained by some Justice, provided such Damages do not exceed the Sum of Twenty Pounds, and also shall over and above such Damages forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the 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 Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, have been deducted, shall

Owners of  
Waggon to  
be account-  
able for  
Damage  
done by their  
Servants.

shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage 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 him, either on Proof made or by Default upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners to recover back from Servants any Sums paid for their Neglect.

CXXXIX. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners or Drivers, then and in such Case every such Servant or Waggoner or Driver shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof, on Demand, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, Waggoner or Driver, although demanded, (such Oath to be made before some Justice of the Peace for the County or Place in which such Penalty was incurred,) the same Penalty and Satisfaction 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 or Servants, Waggoner or Driver, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in Discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants, Waggoner or Driver, as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants, Waggoner or Driver, to the Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on Persons obstructing the Passage of Waggons.

CXL. 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 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 passing thereon respectively, every such Person, or, at the Option of the said Company, the Owner or Owners of such Waggon or other Carriage so loaded, left, or placed, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

CXLI. And

CXLI. 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 or Branches, unless by the Authority of the said Company, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Branches, or any Part thereof, he or she shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on Persons obstructing the free Course of Railway.

CXLII. And be it further enacted, That if any Person shall wilfully or 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, any 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 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 as in Cases of Simple Larceny.

Penalty on destroying Works.

CXLIII. 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 Waggons or other Carriages, and for or relating to the Power to be used for propelling the same, and also for or relating to the Speed with which they shall travel, and also for loading thereof respectively, passing along or using the said Railway or any Part thereof respectively, and other Works, and also for the Delivery of Goods, Merchandize, and other Matters and Things that shall be carried or conveyed in or upon such Waggons or other Carriages, and generally for using and working such Railway; and all such Rules, Orders, and Regulations shall be submitted to Two Justices of the Peace for the said County of *Lancaster*, and, when ratified by the said Two Justices, shall be binding upon and be conformed to by the said Company and by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, and by all Persons using or working such Railway, upon pain of forfeiting a Sum not exceeding Ten Pounds for every Default.

Company to regulate the Passage on the Railway.

CXLIV. 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 on any Part of the said Railway or other Works so as to obstruct the Passage or working thereof, and the Person or Persons having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, he or they shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour every such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or

Penalty on obstructing Railway by leaving Waggons, &c.

[Local.]

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Officer

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 such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the 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 accidental Damage, Loss, or Injury occasioned by any such unloading, or by any such Removal, or for any Delay occasioned thereby, nor in any other Way, save and except for wilful Damage done to any Waggon or other Carriage, or to any Article so unloaded or removed, nor shall they be liable for the safe Custody of any Waggon or other Carriage, or any Article, Matter, or Thing which shall be so removed, unless the same shall be detained by the said Company, and then only so long a Time as the same shall be so detained.

Company to erect Gates, Bridges, Drains, &c. for Protection of adjoining Lands.

CXLV. 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, make, erect, and set up; and from Time to Time maintain and support, forthwith, such and so many convenient Gates in and upon the said Railway, and also all such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of or leading to the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the said Borough of *Wigan*, within their respective Jurisdictions, 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 or Occupiers of the Lands and Grounds thereof 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, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in Repair and Condition by the said Company; and for the Purpose 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 and repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands or Grounds, doing 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 such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as hereinbefore directed, or to maintain and support the same or any of them when erected, set

up, and made in manner aforesaid, for the Space of Ten 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 Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or 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, and to maintain, repair, and support the same from Time to Time 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 or any Buildings or other Things hereby authorized to be made and erected by the said Company shall not be obstructed or injured for any longer Space of Time or 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 and Hereditaments 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 Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and 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 or Persons 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 every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them or any of 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 be erected or made, over the said Railway or any Part thereof, in any Place where the same would if made prevent, hinder, or obstruct the working or using of the said Railway.

CXLVI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or 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, and 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 and 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 such Owner or Occupier, with the Consent and

Owners of  
Lands em-  
powered to  
erect Gates,  
&c. on In-  
sufficiency of  
those erected  
by the Com-  
pany.

Appro-

Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, 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, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, 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 to pass along Railway as far as their Lands extend without Payment of Toll.

CXLVII. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of the Lands or Grounds 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 said Lands or Grounds respectively, and also along and upon the same so far 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 Occupier or Occupiers of Lands or Grounds through which the said Railway shall be made, and his, her, 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.

Railway to be free on Payment of Tonnage.

CXLVIII. 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 any 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 hereinafter mentioned, to be drawn or propelled by Locomotive Engines, Animal or other Power, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums hereinbefore mentioned, 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.

Railway not to be used as a Passage for Horses

CXLIX. And be it further enacted, That if any Person (save and except the said Company, and the Agents and Servants employed by them, and by them only for the Purposes of the said Railway,) shall



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 shall 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 forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every such Offence.

or other  
Cattle.

CL. 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 hereinbefore 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 Five Pounds for every such Offence.

Penalty on  
Persons  
travelling on  
Foot on the  
Railway.

CLI. And be it further enacted, That no Person whosoever shall pass upon the said Railway with any Locomotive Engine, Waggon, or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations ratified as aforesaid, and approved of by the said Company, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railway for the collecting of the Rates and Tolls by this Act imposed, except in crossing or passing along the same for the convenient Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway; and if any Person whosoever shall pass along any Part of the said Railway with any Waggon or other Carriage not constructed in the Manner hereinbefore directed (except as aforesaid), he or she so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

No Waggon  
to pass un-  
less con-  
structed as  
directed by  
the Com-  
pany.

CLII. And be it further enacted, That no Waggon or other Carriage shall carry at any 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, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which nevertheless shall not exceed the Weight of Eight Tons, including the Weight of the Waggon or Carriage,

Weights al-  
lowed to be  
carried.

riage, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rate or 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 hereby authorized to receive and take such Rate or Tonnage as they or he may deem reasonable and proper.

For fencing off Railway through private Lands.

CLIII. Provided always, and be it 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, and keep constantly divided and separated, the same 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 Owner or 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 Gates being erected 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 and Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations hereinbefore contained with respect to the Gates and other Works as aforesaid shall extend and apply to the making and maintaining of 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.

Gates to be shut and fastened after Waggon shall have passed through them.

CLIV. And be it further enacted, That all Persons opening any Gate set up across the said Railway shall, and he, she and they is and are hereby required, as soon as he, she, or they, and the Waggon or other Carriage under the Care of such Person or Persons, 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, to be levied and recovered as hereinafter mentioned; 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 thereof to the Poor of the Township or Parish wherein such Offence shall be committed.

Owners of Land may make Branches.

CLV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Railway, save and except the public Streets within the Borough of *Wigan*, or any other Person or Persons whomsoever, to lay down, either upon their own Lands or

upon the Lands of other Persons with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers, such Openings in the Ledges or Flanches of the said Railway as may be necessary and convenient for effecting such Communication; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier, or Person or Persons as aforesaid.

CLVI. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway and Branches or any Part thereof shall be made, to erect and use any Wharfs, Staiths, Depôts, Landing Places, Cranes, Weighbeams, or Warehouses, or other Erections and Buildings, in or upon his, her, or their respective Lands or Grounds adjoining the said Railway and Branches or any of them, or to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway and Branches or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to remain and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway and Branches; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Staiths, Landing Places, Cranes, Weighbeams, and Warehouses respectively shall not be of less Amount than the Rates or Tolls which shall be taken by the said Company for the Wharfage of all Goods, Commodities, Articles, Matters, and Things loaded, landed, or placed in or upon the Wharfs of the said Company, and the same Rates or Tolls shall be and the same are hereby vested in the Lord or Lords, Lady or Ladies of such Manor, or other Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives.

Lords of Manors and others may erect Wharf on their own Lands.

CLVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, for the Wharfage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things loaded, landed, or placed in or upon the public Wharfs or any of them belonging to the said Company, the Rates or Sums following; (that is to say,)

Rates to be paid to the Company for Goods placed on their Wharfs.

For every Ton of Coals, Culm, Lime, Limestone, and other Minerals, Timber, Stone, Clay, Bricks, Tiles, Slate, Goods, Merchandize, or other Things, which shall be loaded, landed, or placed in or upon the said Wharfs or any of them, and shall continue thereupon for a longer Space of Time than Two Hours, and not exceeding Twenty-four Hours, any Sum not exceeding the Sum of One Penny *per* Ton, and so in proportion for any less Quantity than a Ton; and in case the said last-mentioned Articles or any of

Rates.

of them shall be left and remain in and upon any of the Wharfs or Warehouses belonging to the said Company, over and above or beyond the said Space of Twenty-four Hours, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of Three-pence *per* Ton for the Wharfage, and One Shilling *per* Ton for the warehousing thereof, for the next or succeeding Week, and the like Sum of One Shilling respectively *per* Ton for every further or subsequent Week such Articles shall remain upon the said Wharfs or Warehouses after the Expiration of the said first-mentioned Week, and so after that Proportion for any less Period than a Week; and it shall be lawful for the said Company from Time to Time to ask, demand, receive, and take, for the Use of the Cranes to be erected or made in pursuance of or under the Authority of this Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding for any Weight to be raised at One single Lift of the Crane, being less than Two Tons, the Sum of Sixpence *per* Ton; for any Weight to be raised at One single Lift of Two Tons and less than Three Tons, the Sum of One Shilling *per* Ton; for any Weight to be raised at One single Lift of Three Tons and less than Four Tons, the Sum of One Shilling and Sixpence *per* Ton; and so progressively advancing Sixpence *per* Ton on each additional Weight of One Ton to be raised at One single Lift of the Crane.

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

CLVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners or Lessee or Lessees of any Land or Ground lying adjoining or near to the said Railway from making any Rail Road or Rail Roads, common Road, or Watercourse, to, from, or across the said Railway hereby authorized to be made, and to use such Railway, common Road, or Watercourse for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such Railway, 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; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Railway or common Road so to be made across the Railway hereby directed to be made.

Company may contract for their Works.

CLIX. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized 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, in such Manner, and for such Sum and Sums of Money, 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 the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs

Costs recovered against the said Company or any of the Parties failing in the Execution thereof.

CLX. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made 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 clear from the Lands adjoining or lying near to the said Railway, without obstructing or impounding the same 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 of their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, or Streams 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, or in, through, over, and across any Lands or Grounds thereunto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the said Borough of *Wigan* (as the Case may require) shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of conveying Water from such Rivers, 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, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall, by or on the Behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway, be given to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, is or are not made, or, being made, is or 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* or for the said Borough of *Wigan* (as the Case may require), 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, or 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

Company to  
make suf-  
ficient  
Drains, &c.  
to carry  
Water off  
the Lands.

[*Local.*]

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and

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 from the said Company.

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

CLXI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons or any Notice, or any Writ or other Proceedings 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 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.

Notices given by the Company.

CLXII. 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, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company.

If Land not contracted for within the Space of Five Years, Power of purchasing to cease.

CLXIII. Provided also, and be it further enacted, That if the said Company shall not within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Houses, Buildings, Hereditaments, or other Premises which they are by this Act empowered to purchase, or so much thereof as shall be deemed necessary or proper, for the Purpose of making the said Railway or other Works hereby authorized, (save and except the Fifteen Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Land hereby authorized to be purchased, for making and completing the said Railway or 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 Railway be not completed in Seven Years, Power to cease, except as to Part completed.

CLXIV. Provided always, and be it further enacted, That in case the said intended Railway shall not have been completed and made 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 have been completed within the said Term by the Justices of the Peace of the said County Palatine of *Lancaster* or for the Borough of *Wigan* (within their respective Jurisdictions), assembled at any Quarter Sessions of the Peace to be holden in and for the said County of *Lancaster* or Borough of *Wigan*, as the

the Case may be, 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.

CLXV. Provided always, and be it further enacted, That if the said Railway hereby authorized to be made, or any Part thereof respectively, 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 the Parts or Part thereof over which the said Railway or any Part or Portion of such Railway which shall be so abandoned and 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 to the Owner or Owners of the Lands 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 Company, the Land to revert to the Owners of adjoining Land.

CLXVI. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties 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 other Representative of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereunto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Seven 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 or Persons, 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 other Manner become void; 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* or for the said Borough of *Wigan*, within their respective Jurisdictions, upon Application made by the said Directors or by the

Power of Re-entry.

Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals, 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 Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the 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 Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Directors, in every such Case, again to demise or let to farm the said Tolls and Duties 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.

For compelling Witnesses to attend and give Evidence.

CLXVII. 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 of 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 or Parties 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 or her Costs and Charges, without a reasonable Excuse for his or her 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 for every such Offence any Sum not exceeding Five Pounds.

Directors may grant Releases to Witnesses.

CLXVIII. 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 in all Prosecutions commenced and instituted by and 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 any Two or more of the said Directors, in their own Names, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Pro-



Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid; and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Actions, Suits, Proceedings, Arbitrations, References, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; 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.

CLXIX. 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 recovering 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* or for the said Borough of *Wigan*, within their respective Jurisdictions, on Complaint to them for that Purpose made, upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath or Affirmation such Justices are hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of such Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so 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 other Moiety thereof shall be paid to the Treasurer of the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, one Moiety to the Informer, and the other Moiety to the Trustees or Treasurer of the *Wigan* Dispensary, to be applied by such Trustees or Treasurer for the Benefit of the Patients of the said Dispensary; 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 or Offenders so convicted to be detained and kept in safe Custody until the Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justices of the Peace for the said County Palatine of *Lancaster* or for the Borough of *Wigan* (within their respective Jurisdictions), on such Day or Days 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

Recovery  
and Appli-  
cation of  
Penalties.

[Local.]

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appear

appear that no sufficient Distress can be had whereupon to levy the said Penalty or 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 or Offenders to the Common Gaol or House of Correction for the County or Borough 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.

CLXX. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace 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, any such Sum of Money shall not be paid by the said Company to the Party or 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 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 such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application to him for that Purpose by the Party or Parties 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 shall be returned, on Demand, to the said Company, or to the 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, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

Damages and Charges in case of Dispute to be

CLXXI. 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 or Penalties for any Offence or Offences in this Act

Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences; which Justice and Justices of the Peace is and 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 of any Penalties or Forfeitures.

settled by  
Justices.

CLXXII. 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.

Justices may  
proceed by  
Summons in  
the Re-  
covery of  
Penalty.

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

Distress not  
unlawful for  
Want of  
Form, but  
Person ag-  
grieved by  
Irregularity  
in Distress  
may recover  
Damages.

CLXXIV. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and such Person or 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 or her before some Justice of the Peace for the said County Palatine of *Lancaster* or for the Borough of *Wigan*, within their respective Jurisdictions, 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 such Offender or Offenders.

For securing  
transient  
Offenders.

CLXXV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or 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 in the following Form, or any other Form to the following Effect, as the Case shall happen; *videlicet*,

Convictions  
to be drawn  
in the follow-  
ing Form.

• BE

Form of  
Conviction.

‘ 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 *Lancaster*, [or for the Borough of *Wigan*, as the  
‘ Case may be,] [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 Eleventh 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.

CLXXVI. And be it further enacted, That any Body or Person whomsoever who may think himself, herself, or 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 any other Body or Person, who may think themselves, himself, or herself 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 held for the County where the Cause of Appeal shall happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Body or Bodies, Person or Persons, against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice 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 Justice 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, and 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.

Authenti-  
cated Bye  
Laws to be  
Evidence.

CLXXVII. 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

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.

CLXXVIII. And be it further enacted, That no Proceeding to be had and 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.

CLXXIX. 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 or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next 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 or Defendants 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 or Defendants; and upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their 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.

Limitation  
of Actions.

CLXXX. 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*, and to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in

Saving of  
Rights.

or enjoyed by the Corporation of *Wigan*, or to prejudice the Company of Proprietors of the *Wigan* Waterworks, established by an Act passed in the Fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for supplying the Borough and Town of Wigan in the County of Lancaster with fresh and wholesome Water*; or the Company of Proprietors of the *Wigan* Gas Works, established by an Act passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for lighting with Gas the Borough and Town of Wigan in the County Palatine 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 Tram Road 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 *Leeds and Liverpool* Canal in and by the various Acts relating to such Canal; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Lancaster* Canal Navigation in and by the several Acts for making and maintaining the said Canal Navigation; 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.

Public Act. CLXXXI. 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.

## SCHEDULE to which this Act refers.

*Borough or Township of Wigan.*

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Tettley, Atkinson, and Edward Wakefield, Assignees of the Estate and Effects of James Neville and William Neville, Bankrupts	-	Tettley, Atkinson, and Edward Wakefield, Assignees of the Estate and Effects of James Neville and William Neville, Bankrupts	House, Warehouse, Stable, &c.
Mary Wigan	-	James Taylor Thomas Atherton Michael Stute	Three Cottages, Out-houses, and Yard.
Thomas Joseph Trafford, Esquire	Richard Barton and Thomas Barton	Richard Barton, Thomas Barton, and Peter Barton	Timber Yard, Garden, Smith's Shop, Wheelwright Shop, and Outhousing.
James Green	-	Peter Barton and Ellen Green	Two Cottages.
Sir Robert Holt Leigh, Baronet	-	Christopher Irving	Garden.
Ditto	-	Ditto	Small Croft.
Ditto	-	John Atherton	Garden.
Ditto	-	John Culcheth	Ditto.
Ditto	-	Thomas Green	Driving Road to Field.
Ditto	-	John Hodson	Garden.
Robert Worthington	-	Peter Latham	Joiner's Shop, House, and Outhousing.
John Acton	-	Thomas Holmes	House and Shippon.
Ditto	-	Richard Sibbering	Cottage and Garden.
Ditto	-	Peter Latham Thomas Holmes Richard Sibbering John Acton Thomas Roby John Sherlock	Road between Houses.
William Grounds	-	Gerrard Cowell William Grounds Robert Acton	Two Houses and Outhousing.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Ince in Mackerfield, Parish of Wigan.</i>			
John Walmesley, Esquire	-	John Shuttleworth	Plantation.
John Walmesley, Esquire	-	John Shuttleworth	Plantation.
Charles Walmesley	-	William Hesketh	Cottage.
Ditto	-	John Haughton	Ditto.
Ditto	-	Henry Polding	Barn, Stable, &c.
Joseph Fogg	-	Joseph Fogg	Barn and Shippon, &c.
Joseph Fogg	-	Ditto	Orchard.
Ditto	-	Ditto	House, &c.
Ditto	-	Ditto	Garden.
Ditto	-	Ditto	Orchard.
James Dobb	-	John Dobb	Barn, Stable, &c.
Ditto	-	Ditto	House.
Ditto	-	Ditto	Garden.
<i>Township of Abram, Parish of Wigan.</i>			
Charles Walmesley, Esquire	-	William Middlehurst	Barn, Stable, Shippon, &c.
Ditto	-	Ditto	Farmyard.
Ditto	-	Ditto	Rick Croft or Stack Yard.
Ditto	-	Ditto	Orchard.
Ditto	-	Ditto	Moat surrounding Farmhouse and Garden.
Ditto	-	James Leather	Cottage and Garden.
Ditto	-	Betty Atherton	Cottage and Garden.
<i>Township of Ashton in the Parish of Winwick.</i>			
Sir John Gerrard, Baronet	-	Thomas Sutton	Garden.
Ditto	-	Ditto	Farmhouse.
Ditto	-	Ditto	Garden.
Ditto	-	Ditto	Pig Stye, &c.
Ditto	-	Ditto	Barn, Stable, Shippon, &c.
<i>Township of Golborne in the Parish of Winwick.</i>			
Thomas Legh, Esquire	-	William Unsworth	Cottage and Garden.
Wilmot Street	-	Joseph Churton	Cottage and Garden.
Ditto	-	Peter Ascroft	Cottage and Garden.
Ditto	-	Samuel Street	Plantation.
Elizabeth Clark	-		
Jane Bailey	-	Ellen Potts	Barn, Shippon, &c.
Ellen Potts	-		
Ditto	-	Ditto	Fold.
Ditto	-	Ditto	House.
Ditto	-	Ditto	Gardens.
Ditto	-	Ditto	Orchard.
James Colburn	-	Ann Unsworth	Cottage and Garden.



Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
James Colburn - -	- -	Joseph Jenkin - -	Cottage and Garden.
Thomas Legh, Esquire - {	Robert Worsley } - -	Thomas Bate - -	Orchard.
Ditto - -	Ditto - -	John Dickinson - -	Cottage.
Ditto - -	Ditto - -	Ann Collier - -	Cottage.
Ditto - -	Ditto - -	Thomas Bate - -	Barn, Stable, &c.
Ditto - -	Ditto - -	Ditto - -	House.
Ditto - -	Ditto - -	Ditto - -	Fold.
Ditto - -	Ditto - -	Ditto - -	Garden.
Ditto - -	Ditto - -	Ditto - -	Orchard.
Robert Worsley - -	- -	Thomas Ascroft - -	Garden.
Ditto - -	- -	Ditto - -	Cottage and Garden.
Ditto - -	- -	William Lowe - -	Cottage and Garden.
Ditto - -	- -	Edmund Eddlestone - -	Cottage and Garden.
Ditto - -	- -	John Sampson - -	Cottage and Garden.
Ditto - -	- -	Mary Foreshaw - -	Cottage and Garden.
Ditto - -	- -	Johnson Kenyon - -	Cottage and Garden.
Ditto - -	- -	John Foster - -	Cottage and Garden.
Ditto - -	- -	Ditto - -	Cottage and Garden.
Ditto - -	- -	Samuel Balmer - -	Cottage and Garden.
Thomas Legh, Esquire - -	- -	John Worrall - -	Cottage.
Ditto - -	- -	Ditto - -	Garden.
Robert Worsley - -	- -	Joseph Johnson - -	Garden.
Ditto - -	- -	Ditto - -	Barn, Stable, &c.
Ditto - -	- -	Thomas Hill - -	Cottage and Garden.
Ditto - -	- -	Joseph Johnson - -	House and Garden.
Thomas Legh, Esquire - -	- -	Thomas Wakefield - -	Barn, Stable, &c.
Ditto - -	- -	Unoccupied - -	Cottage.
Ditto - -	- -	John Wakefield - -	Cottages.
Ditto - -	- -	Thomas Wakefield - -	House.
Ditto - -	- -	Ditto - -	Garden.
Ditto - -	- -	Ditto - -	Garden.
Ditto - -	- -	Hugh Bankes - -	Mill Pond.
Ditto - -	- -	Ditto - -	Mill, Mill Fold, Cot- tage and Garden.
Robert Worsley - -	- -	Peter Edwardson - -	Orchard.
Ditto - -	- -	Ditto - -	Garden.
Thomas Legh, Esquire - -	- -	John Fearn - -	House.
Ditto - -	- -	Ditto - -	Garden.
Ditto - -	- -	Ditto - -	Orchard.

*Township of Newton, Parish of Winwick.*

Thomas Legh, Esquire - -	- -	Richard Fairclough - -	Cottage and Garden.
Ditto - -	{ John Halton and Thomas Halton }	Henry Glover - -	Barn, Stable, &c.
Ditto - -	Ditto - -	Ditto - -	{ Public House, Bull's Head.
Ditto - -	Ditto - -	Ditto - -	Fold, Garden, &c.
Ditto - -	- -	Edward Holt - -	Cottage.
Ditto - -	- -	John Barnes - -	Stable, Shippon, &c.
Ditto - -	- -	Ditto - -	Orchard.
Ditto - -	- -	Ditto - -	Dwelling House.
Ditto - -	- -	Ditto - -	Garden.

[Local.]

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Ince in Mackerfield, Parish of Wigan (Branch Line).</i>			
John Walmsley, Esquire	-	John Shuttleworth -	Stack Yard.
Ditto - -	-	William Richardson	Garden.
Ditto - -	-	{ Robert Leatherbar-	Garden.
Ditto - -	-	row - - }	
Ditto - -	-	John Shuttleworth -	Plantation.
Ditto - -	-	Ditto - -	Reservoir or Dam.
William Ince Anderton, } Esquire - - }	-	{ Richard Kaye - Thomas Halliwell - Mary Halliwell - }	Stone Quarry.
Sir Robert Holt Leigh, } Baronet - - }	-	Richard Lowe -	
Ditto - - }	-	Ditto - -	
<i>Township of Aspull, Parish of Wigan (Branch Line).</i>			
James Alexander Hodson, } Esquire - - }	-	John Adamson -	Cottage and Garden.

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