



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. lxi.

An Act for making a Railway from the *Cowley Hill* Colliery in the Parish of *Prescot* to *Runcorn Gap* in the same Parish (with several Branches therefrom), all in the County Palatine of *Lancaster*; and for constructing a Wet Dock at the Termination of the said Railway at *Runcorn Gap* aforesaid. [29th May 1830.]

WHEREAS the making and maintaining a Railway, together with the several Branches therefrom herein-after mentioned, and with proper Works and Conveniences connected therewith, for the Passage of Waggons and other Carriages, to commence at or near *Cowley Hill* Colliery, in the Township of *Windle* in the Parish of *Prescot* and County Palatine of *Lancaster*, and to pass thence in and through the several Townships and Places herein-after mentioned, and to terminate at *Widnes Wharf*, on the East Side of *West Bank*, on the North Side of *Runcorn Gap*, in the Township of *Widnes* and Parish of *Prescot*, will be a Work of great public Utility, by opening a cheap and expeditious Communication and Means of conveying Coals, Goods, Wares, and other Merchandize, between the Coal Fields of *St. Helens*, *Windle*, *Parr*, and *Sutton*, in the County of *Lancaster*, and the large trading Town of *Liverpool*, in the same County, the Salt Works of *Northwich* in the

[Local.]

21 D

County

Proprietors
incorporated.

County Palatine of *Chester*, and other populous Places, and such public Utility will be greatly increased by the making and maintaining, at the Termination of the said Main Railway at *Widnes Wharf*, on the East Side of *West Bank* aforesaid, on the North Side of *Runcorn Gap* aforesaid, within the said Township of *Widnes* and Parish of *Prescot*, a Wet Dock communicating with the River *Mersey*, and also Quays, Landing Places, Wharfs, Warehouses, and other Buildings, Works, and Conveniences adjoining or near to such Dock, and connected with the said Undertaking: And whereas the several Persons herein-after named are willing, at their own Costs and Charges, to carry into execution the said Undertaking; but the same cannot be beneficially 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 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Greenall, Thomas Firth, Thomas Marshall, Robert Robinson, Thomas Caldwell, William Bromilow, Charles Orrell, Richard Crosbie Dawson, Harmood Banner, Thomas Lyon, John Moss, Richard Harrison, William Blundell, William Worthington, Thomas Parr, John Cheshire, John Dudley, William Court, James Stanton, John Johnson, Thomas Birch Speakman, James Lawrence, Adam Hodgson, James Lowe, Francis Ashley, William Jones, George Irlam, John Higginson, Richard Baines, Thomas Urmson, William Hayes, Thomas Greenall, Peter Greenall, Gilbert Greenall, Thomas Foster, Castel William Clay, Robert Pownall Hatfield, John Greenall, James Ryley the younger, Peter Nicholson, John Clare the younger*, and all other Persons, and Bodies Politic and Corporate, who shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they hereby are united into a Company for making and maintaining the said Railway, Branch Railways, Dock, and other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Saint Helens and Runcorn Gap Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments to them, and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and dispose of the said Lands and Hereditaments again, in manner by this Act directed.

Company
empowered
to make Rail-
way, &c.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway for the Passage of Waggons and other Carriages properly constructed, as delineated on the Plan and described in the Book of Reference to be deposited as herein-after directed with the Clerk of the Peace of the said County Palatine of *Lancaster*; (that is to say,) commencing at or near a certain Colliery called *Cowley Hill Colliery*, within the Township of *Windle* and Parish of *Prescot* in the County Palatine of *Lancaster*, and extending or passing through or into the

several Townships, Hamlets, or Places of *Windle Hardshaw* otherwise *Hardshaw-within-Windle*, *Saint Helens*, *Sutton*, *Bold*, *Widnes* otherwise *Widnes-with-Appleton*, *Farnworth*, *Appleton*, *Ditton*, and *West Bank*, or some of them, all within the said Parish of *Prescot*, and terminating at *Widnes Wharf*, on the East Side of *West Bank*, on the North Side of *Runcorn Gap*, within the Township of *Widnes* in the said Parish of *Prescot*; together with the several direct and collateral Branches following; (that is to say,) One Branch direct from the said Main Railway, to commence in the said Township of *Windle*, and to terminate at or near to a Colliery called *Rushy Park Colliery*, in the same Township; and Two other Branches direct from the said Main Railway, to commence in the said Township of *Sutton*, and to terminate respectively, the one at or near to *Dobson's Wood*, and the other at or near to the *Ravenhead Plate Glass Works*, both in the Township of *Sutton* aforesaid; and Two Branches from the last-mentioned Branch, to terminate respectively, the one at the Colliery of *Messieurs Clare and Haddock*, in the said Township of *Sutton*, and the other at the *Saint Helen's Crown Glass Works*, in the same Township; and One other Branch direct from the said Main Railway, to commence in the said Township of *Sutton*, and passing thence into the Township of *Parr* aforesaid, to terminate at or near to a Colliery called the *Broad Oak Colliery*, in the same Township; and Two Branches from the said last-mentioned Branch, to commence in the said Township of *Parr*, and to terminate respectively, the one at or near to a Colliery called *Sankey Brook Colliery*, and the other at or near to a Colliery called *Ashton's Green Colliery*, both in the said Township of *Parr*; and Two other Branches direct from the said Main Railway, both to commence in the said Township of *Sutton*, and to communicate, in the same Township, with the *Liverpool and Manchester Railway*, the one in a North-east and the other in a North-west Direction; and Two other Branches direct from the said Main Railway, both to commence in the said Township of *Sutton*, and also to communicate, in the same Township, with the *Liverpool and Manchester Railway*, the one in a South-east and the other in a South-west Direction; and One other Branch direct from the said Main Railway, and to commence in the said Township of *Bold*, and passing thence into the said Township of *Sutton*, to terminate at and to unite with the *Liverpool and Manchester Railway* at or near to a Colliery called *Eltonhead Colliery*, in the same Township; and it shall also be lawful for the said Company and they are hereby empowered, for the Purposes of the said Undertaking, to make and maintain, at the Termination of the said Main Railway at *Widness Wharf* aforesaid, on the East Side of *West Bank*, on the North Side of *Runcorn Gap*, in the said Township of *Widnes* and Parish of *Prescot*, a Wet Dock to communicate with or open into the River *Mersey*.

III. And be it further enacted, That for the Purposes of this Act, the said Company, their Deputies, Servants, Agents, and Workmen, shall be and they are hereby empowered to enter into and upon the Lands, Tenements, and Hereditaments of any Person, or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Provisions and Restrictions of this Act, and to survey and take Levels of the same, or any Part thereof, and to set out and appropriate for the Purposes

Power to
take Lands,
&c.

Purposes of this Act such Parts thereof as the said Company are by this Act empowered to take or use, and as they may deem necessary, and to bore, dig, cut, embank, and sough, and also to remove or lay, and to use, work, and manufacture thereupon, or upon any Lands, Tenements, or Hereditaments adjoining thereto, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug, got, or provided in the Execution of any of the Powers of this Act, and which may be proper or requisite for making, maintaining, altering, repairing, or using the said Railway, Dock, and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct in, under, upon, across, or over the said Railway, Dock, or other Works, or in, under, upon, across, or over any Lands, Tenements, or Hereditaments, or any Hills, Valleys, Roads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Jetties, Arches, Cuttings, and Fences, and erect and construct such Houses, Toll Houses, Quays, Wharfs, Warehouses, Landing Places, Locks, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper; and also to alter the Course of or to draw off the Water from any Brook, Stream, or Watercourse which may be found in the Execution of the Powers by this Act granted, during such Time as may be necessary for constructing any of the Works by this Act authorized, and also after the same shall have been completed; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works, or any of them, and to substitute others in their Stead, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Railway, Dock, and other Works by this Act authorized; 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, in manner herein-after mentioned, to all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Provision for
Deficiencies
in Land Tax.

IV. And whereas, by reason of the Exercise of the Powers by this Act granted, there may be Deficiencies in the Assessment for Land Tax in the Parish or several Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under

under the Powers of the Acts for the Redemption of Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the Parish or several Townships, out of the Money to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or several Townships by reason or means of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector or Collectors of the said Assessments.

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

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

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

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

IX. And be it further enacted, That 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 such Turnpike Road or public Highway where the said Railway shall communicate therewith, which Gates shall be constantly kept shut, except during the Times when Waggon and Gates to be erected where Railway crosses any public Road on a Level.

other Carriages passing along the said Railway shall have to cross such Turnpike Road or public Highway, and then the same shall be opened for the Purpose only of letting such Waggons and other Carriages pass through; and the Driver or Person intrusted with the Care of any Waggon or other Carriage, or with any Train of Waggons or other Carriages, shall cause every such Gate to be shut as soon as such Waggons and other Carriages shall have passed through, under the Penalty of Five Shillings for every Default therein.

Plan and Book of Reference to remain in Custody of Clerk of Peace, &c.

X. And whereas a Map or Plan, describing the Lines and Situations of the said Railway and Dock, and the Lands through, in, or over which the same were intended to be carried and made, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County Palatine of *Lancaster*: And whereas since the depositing the said Map or Plan and Book of Reference, an Alteration of the Line of the said Railway laid down upon such Map or Plan hath been agreed upon and determined at the Request and with the Concurrence of divers of the Owners and Occupiers of the Lands through which such Deviation is to be made, and also in the Position of the said Dock; be it therefore enacted, That a Map or Plan describing the said Railway and Dock as the same have been agreed to be deviated and altered, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, together with a Copy of an amended Book of Reference for such Deviation, within Two Calendar Months after the passing of this Act be deposited with the Clerk of the Peace of the County Palatine of *Lancaster*, and a Copy of such Map or Plan, similarly authenticated, shall, within the like Period, be deposited with the Clerk of the said Company hereby established, and a Map or Plan of the said Dock similarly authenticated, shall, within the like Period, be deposited with the Town Clerk of the Borough of *Liverpool*, to be kept with the Records of the Corporation of *Liverpool*, to the end that all Persons may at seasonable Times have Liberty to inspect the said Maps or Plans so deposited, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and for Copies of and Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Book of Reference, or any Copy thereof, or of so much or such Part or Parts thereof respectively as shall relate to any Matter or Thing in question, certified by the said Clerk of the Peace or his Deputy, or by the said Town Clerk of the Borough of *Liverpool*, or by the said Clerk of the said Company, to be a true Copy, shall be and is hereby declared to be good Evidence in all Courts of Law and elsewhere.

Limiting Deviations from Plan.

XI. And be it further enacted, That the said Company, in making the said Railway, shall not deviate or extend beyond One hundred Yards from the Scite or Situation delineated on the said Maps or Plans to be deposited with the Clerk of the Peace and Clerk of the said Company; nor in making the said Dock at *Widnes Wharf*, on

the East Side of *West Bank*, shall the said Company extend such Dock, or the Piers, Walls, Embankments, or Works hereby authorized to be made, to a greater Extent southwardly into the Tideway of the River *Mersey* than is laid down and delineated in the said Map or Plan so authenticated as aforesaid, and deposited with the Town Clerk of the Borough of *Liverpool*; nor deviate from the said Plan westwardly beyond a certain Line marked Red, and delineated upon the said Maps as the intended Boundary between the proposed Railway, Dock, and other Works hereby authorized to be made, and the Cut or Canal and Works intended to be made by the *Sankey Brook* Navigation Company at *Widnes* Wharf aforesaid; nor extend any of the Works more to the Eastward than Two hundred Yards from the said Boundary Line delineated on the said Maps or Plans so authenticated as aforesaid; nor shall any such Deviation or Extension enter the Lands, Tenements, or Hereditaments of any Person not mentioned in the said Book of Reference.

XII. Provided always, and be it further enacted, That nothing in this Act shall extend, or be deemed or construed to extend, to prevent or hinder the said Company hereby incorporated at their own Expence, or at the joint Expence of themselves and of the *Sankey Brook* Navigation Company, from making, constructing, or erecting along the Bank of the River *Mersey*, to the Eastward of the said Dock hereby authorized to be made, such Walls or Fences, and for such Distance, as may be sufficient to protect the said Dock and Works from the Encroachment of the Tide; the same, nevertheless, to be subject to the previous Approbation of the said Corporation of *Liverpool*, or their Engineer or Surveyor for the Time being.

Company empowered to erect Walls to the Eastward of the Dock for the Preservation of the Works.

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

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

XIV. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person, to take, use, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-nine, or any Land or Ground which was then set

Houses and Gardens not to be used unless specified in Schedule.

apart

apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or Plantation, 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.

If Land not contracted for within Five Years, Power to cease.

XV. Provided also, and be it further enacted, That unless the said Company shall within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and pay for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use (or so much thereof as shall be by them deemed necessary or proper) for the Purposes of making the said Railway, Dock, and other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void.

Company to build and maintain a Bridge in the Township of Sutton, where the Railway crosses the Liverpool and Manchester Railway.

XVI. And whereas it will be necessary to make one of the Lines of the said Railway across the *Liverpool* and *Manchester* Railway, within the Township of *Sutton* in the Parish of *Prescot* in the County Palatine of *Lancaster*; be it therefore enacted, That 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 *Liverpool* and *Manchester* Railway, with proper Approaches thereto, upon which Bridge the Railway hereby authorized shall be made; and the Opening or Span of the Arch at the said Bridge which shall be made over the said *Liverpool* and *Manchester* Railway shall not be less than Thirty Feet between the Walls or Abutments thereof, and the under Side of the Opening or Span of the said Bridge shall not be less than Sixteen Feet perpendicular in Height above the Level of all the Rails laid down upon the said last-mentioned Railway where such Bridge shall be erected; and the said Company shall at all Times for ever, after such Bridge shall have been erected, keep the said Bridge, or any future Bridge to be erected in lieu thereof, and which shall be of the like Dimensions, Capacity, and Materials as are hereinbefore mentioned, in good, perfect, and complete Repair; and in case, during the Progress of building or erecting the said Bridge, the said *Liverpool* and *Manchester* Railway shall be thereby so obstructed as to prevent or interrupt the Passage of Engines, Waggon, or other Carriages along the same, the said *Liverpool* and *Manchester* Railway Company are hereby authorized and empowered immediately to remove such Obstruction, doing as little Damage as may be to the Works of the said Company hereby incorporated; or after the Erection of the said Bridge, in case of any Want of Repair to the same, and Notice being given by any Agent or other Person authorized by the *Liverpool* and *Manchester* Railway Company to the said Company of Proprietors hereby incorporated thereof, if the said Company of Proprietors hereby incorporated shall not, for the Space of Twenty-four Hours after the Service of such Notice, commence such Repair, and proceed therein

with

with all reasonable Expedition until the same shall be completed, the said *Liverpool* and *Manchester* Railway Company may, in case they shall see fit, from Time to Time repair or rebuild the said Bridge, as the Case may require, and as the said last-mentioned Company may think necessary; and all the Expences thereof shall, upon Demand, be repaid by the Company of Proprietors hereby incorporated to the said *Liverpool* and *Manchester* Railway Company; and in default of such Payment, any One or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* shall and they are hereby required, on Application by such last-mentioned Company, or of any Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said *Liverpool* and *Manchester* Railway Company, rendering the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the Company of Proprietors hereby incorporated; and the said *Liverpool* and *Manchester* Railway Company shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

XVII. 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 enacted, That all Communications between the said Railway and Branches hereby authorized to be made and the *Liverpool* and *Manchester* Railway, and all Openings in the Ledges or Flanches of the said *Liverpool* and *Manchester* Railway, as may be necessary or convenient for effecting such Communication, shall be made at the Expence of the said Company hereby incorporated, under the Direction and Superintendence of the Engineer for the Time being of the said *Liverpool* and *Manchester* Railway Company.

Communications with *Liverpool* and *Manchester* Railway to be made under the Direction of their Engineer.

XVIII. 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 for the Purpose of communicating or which shall communicate with the said Railway or Branches hereby authorized to be made, and which shall or shall be intended to cross or intersect the *Liverpool* and *Manchester* Railway, shall not be made or laid down on the Level of the said *Liverpool* and *Manchester* Railway, but in all Cases the same shall 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 injure the free Passage over, upon, or along the same.

Not to cross the *Liverpool* and *Manchester* Railway on a Level.

Not to take Land, nor interfere with the Works of the Liverpool and Manchester Railway, without Consent.

XIX. 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 said *Liverpool* and *Manchester* Railway Company, nor to alter or vary or interfere with the said *Liverpool* and *Manchester* Railway, or any of the Works thereof, further or otherwise than hereby is 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.

Provision as to crossing the Bolton Turnpike Road.

XX. And be it further enacted, That where 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 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 Saint Helens to Ashton, all 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 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 Bridge 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.

Crossing the Liverpool and Warrington Turnpike Road.

XXI. And whereas the said Railway will cross the Turnpike Road between *Liverpool* and *Warrington* at or near to a certain Place called *Tibb's Cross* in the Township of *Bold* in the Parish of *Prescot* in the said County Palatine of *Lancaster*; be it therefore enacted, That the said Company shall and they are hereby required, at their own Expence, to construct and make a new Road, commencing at *Tibb's Cross* aforesaid on the East, and extending from thence towards the West for the Space of Three hundred Yards, and which said new Road shall be in all respects made and completed according to the Line delineated on the Plan of the said Turnpike Roads belonging to the Trustees thereof; and in case the said Railway shall be made and carried under the said Turnpike Road, 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 Railroad; where the same shall cross the said Turnpike Road, with proper Approaches thereto, upon which Bridge the said Turnpike Road shall be made at the Expence of the said Company, and the Battlements of the said Bridge shall not be less than Six Feet in Height, and shall be closed and continued for not less than Thirty Yards on each Side from the Summit of such Bridge, and the Ascent of such Bridge and the Approaches thereto shall not in any Case be more than One Foot in Thirty-six Feet; and that the said Road so to be made by the said Company as aforesaid shall be formed of such Width as to leave a clear and open Space between the Fences of such Road of not less than Forty-five Feet, except only upon the said Bridge; and that the said Bridge shall be formed of such Width as to leave a clear and open Space of Thirty Feet wide between the Walls or Battlements thereof, and such Width shall not at any Time hereafter be contracted by the said Company: Provided always, that the Land required for the Purpose of making such new Road shall be purchased by and at the Expence of the Trustees of the said Turnpike Road.

XXII. And whereas the said Railway will cross the Turnpike Road between *Prescot* and *Ashton* in the Township of *Parr*, and near to the Village of *Saint Helens* in the said County Palatine of *Lancaster*; be it therefore enacted, That in case the said Railway shall be made and carried under the said last-mentioned Road, 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 Railroad, where the same crosses the said last-mentioned 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 Battlements of the said Bridge shall not be less than Six Feet in Height, and shall be closed and continued for not less than Thirty Yards on each Side from the Summit of such Bridge, and the Ascent of such Bridge and the Approaches thereto shall not in any Case be more than One Foot in Forty Feet, and that the said Bridge shall be formed so as to leave a clear and open Space of Thirty Feet wide between the Walls or Battlements thereof; and that the Road to be made by the said Company as aforesaid shall be formed of such Width as to leave a clear and open Space between the Fences of such Road of not less than Forty-five Feet, except only upon the said Bridge, and such Width shall not at any Time hereafter be contracted by the said Company.

Crossing the
Prescot and
Ashton Turn-
pike Road.

XXIII. And be it further enacted, That the said Railway shall not be made and carried over the said Turnpike Roads, or either of them, on the Level, nor shall the same be carried over the said Turnpike Roads, or either of them, by means of a Bridge, without the Consent of the Trustees of the said Roads for that Purpose being first had and obtained.

Not to cross
certain Roads
without Con-
sent of the
Trustees.

XXIV. And be it further enacted, That the said Company shall at all Times for ever, after any of the said several Bridges shall have been erected, keep the same and each of them, and any future Bridge

Company to
keep in re-
pair all the
Bridges made
OR
for carrying

the Railway
across the
Turnpike
Roads.

or Bridges to be erected in lieu thereof, and which shall be of the like Dimensions, Capacity, and Materials as are herein-before mentioned, in good, perfect, and complete Repair (except only so far as regards the Roadway over such Bridges, which is, save as herein-after mentioned, to be repaired by the Trustees of the said Roads); and that the said Company shall and will at all Times hereafter well and sufficiently repair and make good all Damage and Injury which may arise or be occasioned to the said Roadways over the said Bridges, or any of them, for or by reason of any Repairs or Alterations of, in, or to the said Bridges, or any of them, by the said Company; and in case of any Want of Repair to the said Bridges, or any of them, or the Roadways over the same, or any of them, in the Event last aforesaid, and Notice being given by the Trustees of the said Turnpike Roads, or their Clerk or Treasurer, or any other Person authorized by the said Trustees, to the said Company of Proprietors hereby incorporated, or to their Clerk or Treasurer for the Time being, of any Want of Repairs to the said Bridges, or any of them, or to any Bridge or Bridges to be erected in lieu of the said Bridges, or any of them, or the Roadways over the same, or any of them, in the Event aforesaid, if the said Company of Proprietors hereby incorporated shall not, for the Space of One Calendar Month after Service of such Notice, commence such Repairs, and proceed therein with all reasonable Expedition until the same shall be completed, the said Trustees may, in case they shall see fit, from Time to Time repair or rebuild the said Bridges, or any of them, and repair the Roadways over the same, or any of them, in the Event aforesaid, as the Case may require, and as the said Trustees shall think necessary; and all the Expences thereof shall, upon Demand, be repaid by the Company of Proprietors hereby incorporated to the said Trustees or their Treasurer for the Time being; and in default of such Payment, any Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* shall and they are hereby required, on Application by the said Trustees, or their Clerk or Treasurer for the Time being, or of any other Person authorized by the said Trustees, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said Trustees, rendering the Overplus (if any), upon Demand, after deducting the Charges of making such Distress and Sale, to the Company of Proprietors hereby incorporated; and the said Trustees shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the said County Palatine of *Lancaster*.

Regulating
the crossing
Sankey Canal
by Swivel
Bridges.

XXV. And whereas the said Railway hereby authorized to be made is intended to be carried across the *Sankey Canal*, and the proposed new Cut or Extension thereof, at Four several Places; be it therefore enacted, That such Railway shall be carried over the said Canal at the Four several Points of crossing by means of Swivel Bridges, and that One of such Bridges shall be placed at or near to *Hardshaw Mill Bridge*, One at or near to *Burton Head Bridge*, and

Two

Two where the said intended Railway will cross the said intended new Cut or Canal proposed to be made from *Fidler's Ferry* to *Bower's Pool*, and which said last Two Bridges shall be at the Distance of Eighty Yards from each other; and all which said Bridges shall be kept in repair by the said Company so long as the same shall be used by them for the Purposes of the said Railway, and shall be kept constantly open, except at such Time as Waggon or other Carriages passing along the said Railway shall have to cross such Bridges, and then shall be moved over the said Canal for the Purpose only of passing over the same; and every Driver or Person entrusted with the Care of any Waggon or other Carriage, or with any Strings of Waggon or other Carriages, shall and he is hereby directed to cause the said Bridges to be re-opened as soon as such Waggon or other Carriages shall have passed over the same, under the Penalty of Forty Shillings for every Offence, to be recovered in like Manner as any other Penalty under this Act may be recovered.

XXVI. Provided always, and be it enacted, That no Flat, Barge, or other Vessel shall at any Time be moored, fastened, or remain stationary in the said Canal opposite any of the said Four Swivel Bridges, nor within Ten Yards of any such Bridges, under the Penalty of Forty Shillings for every Offence, to be forfeited and paid by the Master or Owner or other Person having the Command or Care of such Flat, Barge, or other Vessel, and to be recovered in like Manner as any other Penalty under this Act may be recovered; and in case any Flat, Barge, or other Vessel shall be so moored, fastened, or remain stationary contrary to the Meaning of this Act, or in case of any other Impediment or Obstruction to the shutting or opening of the said Swivel Bridges, if the Master, Owner, or other Person having the Care or Command of such Flat, Barge, or other Vessel, Body or Bodies Politic or Corporate, or other the Person or Persons causing such other Obstruction or Impediment, shall not, on receiving Notice so to do, immediately remove such Flat, Barge, or other Vessel, or any other Matter or Thing in any Way obstructing the free Passage of any of the aforesaid Swivel Bridges, it shall be lawful for the said Company of Proprietors hereby incorporated, and their Clerks, Agents, or Servants, and they are hereby authorized and empowered, forthwith to remove such Flat, Barge, Vessel, or other Obstruction, doing as little Injury thereby as may be, and all the Expences thereof shall be repaid by the Master or Owner of such Flat or Barge, or other the Party or Parties creating such Obstruction or Impediment, to the Use of the said Company of Proprietors hereby incorporated; and in default of such Payment, on Demand, any Two or more of His Majesty's Justices of the Peace for the said County of *Lancaster* shall and they are hereby required, on Application by the said Company of Proprietors hereby incorporated, or any of their Collectors or Receivers for the Time being, or of any Person authorized by any of them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of such Master or Owner or other the Person or Persons creating such Obstruction, and to be paid to the said Company of Proprietors hereby incorporated, their Agent or Clerk, rendering the Overplus (if any) to the said Parties; or other-

Penalty for obstructing Passage of Swivel Bridges.

wise the said Company of Proprietors hereby incorporated shall and may sue for and recover the same against the said Master or Owner or other the Person or Persons creating the Obstruction, 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 at *Lancaster*.

Company not to draw off or divert Water from the Sankey Canal.

XXVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company hereby incorporated to draw off or divert any Water from the *Sankey Brook* Navigation or Canal, or any Brook, Stream, Watercourse, Dam, Pond, Reservoir, or Works connected or in anywise communicating therewith or flowing therein, so as to deprive the said Navigation and Canal of the Benefit thereof; nor in the Execution of any of the several Powers and Authorities hereby given and granted, shall the said Company hereby incorporated be authorized or enabled to alter, divert, or vary the Course of or draw off the Water from the Stream called *Bower's Pool* or *Windes Brook*, in the Township of *Windes*, or to alter, vary, or interfere with, damage or injure, any of the Quays, Wharfs, Landing Places, Warehouses, Buildings, Locks, Weirs, Basins, Embankments, or other Works belonging to the Company of Proprietors of the said *Sankey Brook* Navigation, except as is herein expressly authorized, without their Consent in Writing in every Instance for that Purpose first had and obtained.

Company not to cut away Rocks by West Bank, or let off Water.

XXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to authorize the said Company, or any other Person or Persons, to dig or excavate any of the Rocks or rocky Beach on the East or South Sides of *West Bank* aforesaid, further than the same may be necessary for affording free and sufficient Ingress and Egress to and from the said Dock hereby authorized to be made, or to authorize the said Company to run any Water out of the said Dock hereby authorized to be made, at or about the Time of Low Water, for the Purpose of altering the Channel or Deep of the said River, otherwise than as may be necessary to keep open the Entrance to the said Dock.

Providing for Injury to Roads.

XXIX. Provided also, and be it further enacted, That in all Cases wherein, in the Exercise of any of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be so 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 Passengers and Carriages as the Road to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be practicable, and shall cause the same to be put in good and substantial Order and Condition where the former Road cannot more easily be restored; and where the Road cut through, sunk, raised, or injured shall be a Turnpike Road, the temporary Road shall be so made and the principal Road

restored within Six Months after the Commencement of the Operation; and the Railway, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent, so far as may be practicable, any Inconvenience or Obstruction to the Passage along such Turnpike Road.

XXX. And be it further enacted, That the Lands to be taken or used for the Line of the said Railway shall not exceed Twenty-two Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Waggons and other Carriages to turn or pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, and not above One hundred and fifty Yards in any Place, except at or near to the Terminations of the said Railway or Branches, where Places not exceeding Two hundred Yards in Length by One hundred and fifty Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, and other Buildings and Conveniences, and also except on Commons and Waste Lands, unless with the Consent of the Owners or Proprietors of and Persons interested in any Lands or Grounds through which the said Railway or any of the said Branches shall pass, where the said Company shall be desirous of appropriating Land of greater Width: Provided always, that the Lands to be taken or used for the Purpose of the said Dock, and the Quays, Landing Places, Wharfs, Warehouses, and other Buildings, Works, and Conveniences thereto, shall not exceed Five hundred Yards in Length by Five hundred Yards in Breadth, subject to the Restrictions herein-before mentioned.

Breadth of Land to be taken for Railway.

Extent of Land to be taken for Dock.

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

Convenient passing Places to be made along the Railway.

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

Bodies Politic, &c. empowered to sell and convey Land.

Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit ; namely,

Form of Con-
veyance to
the Com-
pany.

‘ I of in consideration of the Sum
‘ of to me, [*or, as the Case may be*, into the
‘ Bank of *England* in the Name and with the Privity of the Account-
‘ ant General of the Court of Exchequer, *ex parte* the *Saint Helens*
‘ and *Runcorn Gap* Railway Company,] pursuant to the Act after-
‘ mentioned, paid by the said Company established and incorporated
‘ by an Act of Parliament 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 alien unto the said Company,
‘ their Successors and Assigns, all [*describing the Premises to be con-*
‘ *veyed*], together with all Ways, Rights, and Appurtenances thereto
‘ belonging, and all such Estate, Right, Title, and Interest in and
‘ to the same, and every Part thereof, as I am or shall become seised
‘ or possessed of, or am by the said Act capacitated or empowered to
‘ convey, to hold the Premises to the said Company, their Successors
‘ and Assigns for ever, according to the true Intent and Meaning of
‘ the said Act. In witness whereof I have hereunto set my Hand and
‘ Seal the Day of in the Year of
‘ our Lord .’

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

Conveyance
of Copyholds.

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 or used by virtue of the Powers of this Act, for the Purposes thereof, which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender thereof in the Court of the Manor of which the same may be held or Parcel, according to the Custom of such Manor, which Surrender shall have like Force and Effect in respect of such Copyhold or Customary Estate and Interests as such Conveyance as aforesaid, made by the same Person, would have had over the Hereditaments comprised in such Surrender, in case the same had been of Freehold Tenure in the same Person ; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as may be there due and payable, and of right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lady for the Time being of such Manor, or if the said Lord or Lady, Infant, Lunatic, or Idiot, his or her Guardian or Committee, shall be willing to enfranchise the same ; in which Case such Lord or Lady, whether sole or married, and his or her Guardian or Committee, if Infant, Lunatic, or Idiot, is hereby empowered so to do, by such or the like Form of Conveyance as aforesaid, notwithstanding he or she shall be seised of or entitled to the same Manor for
a less

a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company, as a Body Corporate, would, if the same should not be enfranchised, prevent such Lord or Lady from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he or she would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lady shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him or her in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof.

XXXIV. And be it further enacted, That in all Cases when the Lord or Lady of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are held or Parcel, or being Infant, Lunatic, or Idiot, his or her Guardian or Committee, shall be willing to enfranchise such Copyhold or Customary Lands or Tenements, and such Lord or Lady shall be seised of or entitled to such Manor for a less Interest than an Estate in Tail, General or Special, in Possession, or where he or she shall be unable, by levying a Fine or suffering a Common Recovery, to enfranchise the same Lands or Tenements, or shall, whether having such limited or the entire Interest in such Manor, be Infant, Lunatic, or Idiot, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid and disposed of under the Direction and Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands or Tenements, of which a Part only shall be taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lord or Lady of the Manor whereof the same Copyhold or Customary Lands and Tenements are held or Parcel, and if not so settled, the same shall be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as

Application of Money belonging to Lords of Manors, under Incapacity, in respect of the Enfranchisement of Copyholds.

aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the Copyhold or Customary Lands or Tenements not taken for the Purposes of this Act shall be held, or the Remedy or Remedies for the Recovery of the Rents for the same, after the Apportionment thereof; and in all Cases where the Lord or Lady of any Manor, whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Parcel, shall have declined to enfranchise the same, and shall in consequence thereof have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements or any Part thereof shall not be ultimately required for the Purposes of this Act, and shall be sold and disposed of by the said Company under the Authority to them by this Act given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue, free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Where small
Parcels of
Land are in-
tersected,
Company
compellable
to purchase
the Whole.

XXXV. And be it further enacted, That if, in the Execution of any of the Powers of this Act, any Land shall be cut through and divided, so that what shall be left thereof on both or on either Side of the said Railway, or on all or any Side or Sides of the said Dock, 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 or on any Side of the said Dock, 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 on either of the Sides of the said Railway, or on all or any Side or Sides of the said Dock, 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 or used for the Purposes of this Act; or in case such Owner shall have any other Land adjoining to that which shall be so left, he or she 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 Scites thereof, and soiling the same in a sufficient and workmanlike Manner.

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

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give the said Company any Mines, or any Coals, Stones, Slate, or other Minerals, under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coals, Stone, 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, Coals, Stone, Slate, or Minerals shall be deemed to be excepted out of the Purchase of such
Lands,

Lands, and may be worked by the respective Owners or Lessees thereof under the said Lands, or the Railway, Dock, or other Works of the said Company, as if this Act had not been passed.

XXXVII. And be it further enacted, That all Bodies and other Parties herein-before capacitated to sell and convey any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway, Dock, or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Bodies or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they shall not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

Satisfaction to be made for Lands taken for the Railway.

XXXVIII. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested or entitled and capacitated to sell or agree as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall (for the Space of Twenty Days next after Notice in Writing shall have been given to the Clerk, Agent, or Principal Officer of any such Body, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Occupier 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, or the respective Estates and Interests which they, he, or she are or is capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall, by reason of any Impediment or Disability not provided for by this

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

this Act, be incapable of making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway, Dock, and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of or to which they, he, or she may be in Possession, and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in the Execution of this Act cannot be made, then and in every such Case the said Company may and shall and they are hereby required from Time to Time to issue a Warrant, under their Common Seal, to the Sheriff of the County Palatine of *Lancaster*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not interested as aforesaid, (a Person having more recently served either Office being always selected in preference to any other Person having more anciently served the same Office,) commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned, are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or other Person, or by some Person to be by them respectively 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 the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and

and required to administer,) inquire of and assess and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, except for such Interest or Interests therein as shall have been of Right purchased by the said Company from any other Person or Persons, and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, 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 and other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of the Person or Persons, or of the Clerk or Agent or Principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued or respecting which or any Damage to which any such Question shall arise.

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

Value of
Lands and
Damages to
be ascertain-
ed separately.

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

Compensa-
tion Money
to be appor-
tioned.

Verdicts to
be recorded.

XLI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Lancaster* amongst 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 also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon
Sheriff, &c.
making De-
fault.

XLII. And be it further enacted, That if the said Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so 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 his Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his or her Costs and Expences, or appearing shall refuse to be sworn or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined 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 of *Lancaster*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money so to be produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be
under the
same Regu-
lations as in
Courts at
Westminster.
Punishment
for false
swearing.

XLIII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be 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 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 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 liable to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject.

Expences of
the Jury how
to be paid.

XLIV. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for a greater Sum than shall have been

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

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

Persons requesting Juries to enter into Bonds to prosecute their Complaint, and pay Expences.

XLVI. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Body or Person for any Loss or Injury by them, him,

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

or her sustained or supposed to be sustained, or having been discovered to be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by the Chief Clerk or Treasurer or other proper Officer of such Body, or by such Person, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Body or Person to the said Company within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

Power to
enter Lands,
&c. on Pay-
ment or Ten-
der of Pur-
chase Money.

XLVII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed for between the Parties, or determined by a Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Satisfaction or Compensation for any Loss or Damage as herein-before mentioned, to the Proprietors of such Lands, Tenements, or Hereditaments, or other Persons interested therein, or entitled to receive such Money, Satisfaction, or Compensation respectively, within Thirty Days after the same shall have been so agreed for or determined, or if the Parties entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make a good Title to, or shall refuse to execute the necessary Conveyances of, the Premises, or in case such Money shall be liable to be invested in the Purchase of other Hereditaments, then upon Payment of such Money into the Bank of *England* as herein-after directed, within Thirty Days after the same shall have been so agreed for or determined, for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, and Hereditaments; and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender or Investment shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons as aforesaid, and operate to merge all outstanding or other Terms of Years, but also shall 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 Tender or Payment into the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to bore under, dig or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the previous Consent of the respective Owners or Occupiers thereof.

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

XLVIII. And be it further enacted, That all Tenants at Will, Lessees for a Year or from Year to Year, and other Persons in Possession of any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway, Dock, and other Works hereby authorized to be made are intended to pass or be made, and

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

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

Interest of such Tenants may be settled by a Jury.

L. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or she shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway, Dock, or other Works hereby authorized are intended to pass or be made, under or by virtue of any Demise, Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or 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 so produced or shewn, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Persons holding under Leases to produce the same.

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

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

of the said Bank shall give such Receipt as before mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her, in the said Lands, Tenements, or Hereditaments, the Value whereof, or of the Estate or Interest therein mortgaged, shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

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

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

How Disputes between the said Company and certain Mortgagees of Land shall be settled.

Application of Compensation amounting to 200l.

1 G. 4. c. 35.

ments, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, 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 *Saint Helen's* and *Runcorn Gap* Railway Company," 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 Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, 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 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 such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

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

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

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

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

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

In case of not making Titles, &c., Money to be paid into the Bank.

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

Persons in Possession presumptively entitled.

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

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

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

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

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

Enabling the Company to sell Lands not wanted.

the said Company shall not agree with respect to the Price thereof, then the Price 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 this Act is directed with respect to Purchases made by the said Company (*mutatis mutandis*); and the Money produced by the Sale which may be made by the said Company of any such Lands, Tenements, or Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

Treasurer,
upon Pay-
ment of
Money, to
give Re-
ceipts.

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

Empowering
Company to
purchase
Twenty Acres
of Land.

LXI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Persons, or with any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole (who shall be willing to sell the same), for the Purchase of any Lands, Tenements, or Hereditaments (not exceeding in the whole Twenty Statute Acres in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used,) in such Places as shall be deemed eligible, subject to the Restrictions herein-before mentioned, for the Purpose of making and providing Coal or other Yards, Staiths, Wharfs, Quays, Landing Places, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, depositing, or keeping any Goods, Merchandize, or other Things conveyed or intended to be conveyed upon the said Railway, or which may be discharged from any Vessel coming into the said Dock, or for making convenient Roads or Ways leading thereto respectively, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized, which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever (including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands, Tenements, and Hereditaments for the Purposes of this Act,) to sell and grant or convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever for the Purposes mentioned in this Clause, or any of them, in the same Manner as is herein-before directed concerning
Lands,

Lands, Tenements, and Hereditaments to be taken or used for the Purposes of making and maintaining the said Railway, Dock, and other Works.

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

Empowering
Company to
sell and re-
purchase
Lands.

LXIII. And whereas the said Company are enabled to purchase Twenty Statute Acres of Lands, Tenements, or Hereditaments, by virtue of this Act, for the Purpose of providing Coal or other Yards, Staiths, Wharfs, Quays, Landing Places, Warehouses, and other Buildings and Conveniences, in addition to the Lands, Tenements, and Hereditaments authorized to be taken or used for making the said Railway, Dock, and other Works, and all Corporations and Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands, Tenements, or Hereditaments so purchased from any Corporation, and again purchasing other Lands, Tenements, or Hereditaments from the same or from any other Corporation or Persons being under legal Disability or Incapacity, in lieu or stead of the Lands, Tenements, or Hereditaments so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or Tenants for Life or in Tail, or Persons 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

Restraining
the Company
from pur-
chasing more
than 20
Acres of
Land from
incapacitated
Persons.

nor for any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Females Coverts, Cestuique Trusts, or 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 stead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

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

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

Chancellor, &c. of Duchy of Lancaster authorized to sell Lands for the Purposes of the Act.

LXV. And whereas His Majesty is seised to Himself, His Heirs and Successors, in right of His Duchy and County Palatine of *Lancaster*, of and in the Honour of *Halton*, extending into the Counties Palatine of *Lancaster* and *Chester*, and of the Manor of *Widnes*, and of certain Lands and Tenements within the said Manor, and of the Marsh, Strand, Shore, Beach, and Waters of the River *Mersey*: And whereas it may be expedient that the Chancellor and Council of His Majesty's Duchy of *Lancaster*, on His Majesty's Behalf, should be authorized to sell and convey to the said Company such Lands and Hereditaments,

Marsh Land, Strand, Shore, and Beach, belonging to His Majesty in right of His said Duchy, as may be necessary to be purchased, taken, or used for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the Chancellor and Council of His Majesty's Duchy of *Lancaster* for the Time being to contract and agree with the said Company for the Sale of any Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach, belonging to His Majesty, His Heirs or Successors, in right of His said Duchy, which by the said Company shall be thought necessary to be purchased, taken, or used, with the Consent and Approbation of the said Chancellor and Council, for the Purposes of this Act, at or for such Price or Prices, and upon such Terms and Conditions, as shall be settled and agreed upon by the said Chancellor and Council with the said Company; and that upon Payment of such Sum or Sums of Money as shall be so settled and determined upon as and for the Price and Consideration for such Lands and Hereditaments, it shall be lawful for the said Chancellor and Council of the said Duchy for the Time being, by any Deed or Writing under the Seal of the said Duchy, for and in the Name of His Majesty, His Heirs and Successors, to grant and convey the same Lands and Hereditaments, Marsh Land, Strand, Shore, or Beach, and the Fee Simple and Inheritance thereof, to the said Company, for the Uses and Purposes of this Act; which said Deed or Writing, under the Seal of the said Duchy, being inrolled in the Court of the Duchy Chamber of *Lancaster* within Twelve Calendar Months from the Date thereof, shall be effectual and sufficient to vest in the said Company the Fee Simple and Inheritance thereof, for the Uses and Purposes of this Act, any thing contained in an Act passed in the First Year of the Reign of Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, or in any other Act, to the contrary in any-wise notwithstanding; and all and every Sum and Sums of Money to be paid as and for the Purchase or Consideration Money for the Lands or Hereditaments, Marsh Land, Strand, Shore, or Beach, to be sold and conveyed as last mentioned under and by virtue of this Act, shall be paid by the said Company, or their Treasurer, into the Hands of the Receiver General of the said Duchy for the Time being, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, or any other Act or Acts now in force for that Purpose.

1 Anne, c. 7.

48 G.3. c. 73.

LXVI. And whereas the probable Expence of making the said Railway, Dock, and other Works hereby authorized, will amount to the Sum of One hundred and twenty thousand Pounds, and the Sum of One hundred thousand and two hundred Pounds, being more than Four Fifth Parts thereof, has been already subscribed for by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators and Assigns, for the Payment of the several Sums by them subscribed for respectively; be it therefore enacted, That the whole of the said Sum of One hundred and twenty thousand Pounds shall

Whole of
Expence to
be subscribed
before Work
commenced.

shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors empowered to raise Money amongst themselves for the Undertaking, not exceeding 120,000*l.*

LXVII. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railway, Dock, and other Works by this Act authorized, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds, the whole to be divided into One thousand two hundred Shares of One hundred Pounds each; and such One thousand two 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 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 the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums they shall severally 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 to and receive (at such Time and Times as the said Company, or the Directors of the said Company to be appointed as herein-after mentioned, shall, at any General or Special Meeting to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act 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 arise or accrue by the Rates, Tolls, and other Sums of Money to be raised, recovered, or received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

Shares to be Personal Property.

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

To compel Payment of Subscriptions.

LXIX. And be it further enacted, That the several Parties who have subscribed, or who shall hereafter subscribe, for or towards the said Undertaking, shall and are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay the Money by him or her so subscribed for, or the
Part

Part thereof so called for, at the Time and in manner required for that Purpose, it shall be lawful for the said Company, or for the said Directors, to sue for and recover the same in any Court of Law or Equity.

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

Directing how Subscribers shall vote.

‘ *A. B.* of [one] of the Proprietors of the *Saint Helen’s and Runcorn Gap* Railway Company, doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Name or otherwise, and in his Absence, to vote or give his Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking which shall be proposed at any General or Special General Assembly of the said Company, in such Manner as he the said *C. D.* shall think proper, according to his Judgment, for the Benefit of such Undertaking, or any thing appertaining thereto. In witness whereof the said *A. B.* hath hereunto set his Hand [or Common Seal] the Day of .’

Form of Proxy.

LXXI. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall, for the Purposes of this Act, be deemed and taken to be the Proprietor of such Share; and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand

The Person whose Name stands first as a joint Proprietor with others to be deemed the Owner, &c.

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

Lunatics and Minors to vote by Committees and Guardians.

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

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

LXXIII. And be it further enacted, That the said Company shall and they are hereby required, at some General Meeting, to cause the Names of the several Bodies, and the Names and Additions of the several Persons, who respectively shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and also to cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber on Demand, specifying the Share or Shares to which they, he, or she are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of 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 *primâ facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (*videlicet*.)

Form of Certificate.

‘ The *Saint Helens* and *Runcorn Gap* Railway Company.
 ‘ Number
 ‘ THESE are to certify, That *A. B.* of is a Proprietor
 ‘ of the Share Number of the *Saint Helens* and
 ‘ *Runcorn Gap* Railway, subject to the Rules, Regulations, and
 ‘ Orders

‘ Orders of the said Company, and that he the said *A. B.*, his
 ‘ Executors, Administrators [*or Successors*], and Assigns, is and are
 ‘ entitled to the Profits and Advantages of such Share. Given under
 ‘ the Common Seal of the said Company the Day
 ‘ of in the Year of our Lord .’

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

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

LXXV. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company, by Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest any further or additional Sum, not exceeding in the whole the Sum of Thirty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums 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, Tolls, or Sums,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his or her Trustee, who shall advance the same; all which said Mortgages, Assignments, or Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

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

‘ The *Saint Helens and Runcorn Gap* Railway Company.

‘ Number

Form of Mortgage.

‘ **B**Y virtue of an Act passed in the Eleventh Year of the Reign of
 ‘ King *George* the Fourth, intituled [*here set forth the Title of this*
 ‘ *Act*], we, the Company of Proprietors of the *Saint Helen’s* and
 ‘ *Runcorn Gap* Railway, incorporated by and under the said Act, in
 ‘ consideration of the Sum of to us in hand paid
 ‘ by

every Transfer shall retrospectively entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

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

Interest of Money borrowed to be paid in preference to Dividends.

LXXVII. 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 advanced any Money on such Mortgage or Assignment.

Mortgagees not to vote.

LXXVIII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Thirty thousand Pounds by Mortgage, and shall afterwards be required or shall be desirous to pay off, or shall have paid off, all or any Part of the Principal Sum secured by any such Mortgage, then and in every such Case it shall be lawful for the said Company immediately, or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of the Mortgages, or any of them, or any Part thereof, and so from Time to Time as often as the

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

same shall happen; but so, nevertheless, that the said Company shall not in any Event borrow upon Mortgage in such Manner or to such Extent as that more than the Sum of Thirty thousand Pounds in the whole be owing at any One Time on Mortgage or Charge of the said Undertaking.

Application
of Money to
be raised.

LXXIX. And be it further enacted, That all Money to be raised by the said Company under the Powers of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in or towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining the said Railway, Dock, and other Works, and in otherwise carrying this Act into execution.

First and
other General
Meetings.

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

Treasurer
and Clerk to
be appointed.

LXXXI. And be it further enacted, That the said Company shall, at some General Meeting, elect a Treasurer and a 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, from Time to Time to remove and displace any such Treasurer or Clerk, or any Persons who shall be hereafter elected and appointed to their respective Offices, and elect, in manner aforesaid, any other Person to act as Treasurer, or other Person to act as Clerk of the said Company, in the Room of such of the said Officers as shall die or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer appointed by them or by the said Directors, having the Custody or Controul of any
Money

Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

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

Same Person
not to hold
the Offices of
Clerk and
Treasurer.

LXXXIII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Bye Laws, Orders, and Rules as to them shall seem 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 Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter and repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered as other Penalties may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, 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 or other conspicuous Part of the several Toll Houses to be erected on the said Railway, and other Buildings and Places at which any Rates, Tolls, or other Sums shall be received under the Authority of this Act, and shall from Time to Time be renewed as often as the same, or any Part thereof,

General
Meetings
may make
Bye Laws.

thereof, shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be 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 Bye Laws, Orders, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

General Meetings may call for Accounts.

LXXXIV. And be it further enacted, That it shall be competent for any General Annual Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurers, Receivers or Collectors of the Rates, Tolls, and other Sums, and other Officers of the said Company.

The First General Meeting to choose Directors.

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

Period of Service of Directors.

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

Directors going out of Office to be re-eligible.

LXXXVII. Provided always, and be it further enacted, That every Director who shall, by Ballot or Rotation, go out of Office on any Annual Day of Election, may be immediately or at any future Time re-elected by the said Company a Director of the said Company.

LXXXVIII. Pro-

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

LXXXIX. 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 a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every 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 continue had he lived and remained in Office. For supplying Vacancies in Direction.

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

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

XCII. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be held next after the First General Meeting of the said Company, and so at the First Meeting of the Directors which shall be held next after the Annual Meeting in the Month of *July* in each and every Year, or at the First Meeting held next after the Election of the said Five Directors in the Place of the like Number of Directors hereby required to go out of Office by Ballot or Rotation as aforesaid, or Majority of the Directors present at such Meeting of Directors, shall choose out of the Directors of the said Company a Chairman and Deputy Chairman Chairman and Deputy Chairman of Directors to be chosen.

of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner, at the Meeting to be held 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 or Stead he may be so elected would have been entitled, under the Provisions of this Act, to continue, if such Death, Resignation, Disqualification, or Cesser had not happened.

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

XCIII. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or, in his Absence, the Deputy Chairman of the said Directors, or, in his Absence, any of the Directors of the said Company to be chosen at any such Meeting, or, in the Absence of all the Directors, any Proprietor to be chosen at such Meeting, shall preside as Chairman.

Directors, or
Chairman or
Deputy
Chairman,
contracting
for Works,
&c. disqual-
ified.

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

Powers and
Duties of
Directors.

XCV. 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 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 General or Special Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present, and there shall be Three Directors at the least present to constitute a Meeting; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a second or casting Vote as such Chairman; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments, and Engines and Materials, for the Use of the said Undertaking, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to employ

employ and direct the Works and Workmen, and to appoint or displace the Officers and Servants of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal of any of the said Officers or Servants, from Time to Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or other Person for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and from Time to Time make report thereof to the said Annual General Meetings, and, if required, to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by them and by all Persons employed by or under them, and of all Money which the said Directors shall receive on behalf of or in respect of such Undertaking from any Collectors of the Rates, Tolls, or Sums by this Act authorized, or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter in some Book, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which Book shall be deposited with and kept under the Care or Direction of the said Directors.

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

Meetings of Proprietors may be specially convened.

at a General Meeting held at the Time herein-before appointed for holding the same.

Officers to
account.

Proceedings
in case of
Default.

XCVII. 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 to the said Company, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her received by virtue of this Act; and such Accounts shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the Treasurer of the said Company, or to such 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 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 Persons as last aforesaid, 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 other Person on their Behalf, to any Justice of the Peace for the County Palatine of *Lancaster*, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his 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 of 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 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 shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in every of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal,

to

to commit such Officer or Person to some Common Gaol or House of Correction of the said County Palatine of *Lancaster*, there to remain without Bail or Mainprize until he or she shall have made and delivered such Account, and have delivered up the Vouchers and Receipts relating thereto, and have delivered up such Books, Papers, and Writings, if any, as aforesaid, 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 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 have paid the Composition Money to the said Directors or to the said Company, (and which Composition the said Directors and the said Company are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings, to the said Directors or to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress, or who shall be confined merely for Want of Payment, having delivered up such Vouchers, Receipts, Books, Papers, and Writings, or given Satisfaction in respect thereof, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XCVIII. And be it further enacted, That the Orders and Proceedings of every Meeting (as well General as Special) of the said Company and of the Directors shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of 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, and that without Proof of such Meeting being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

Orders and Proceedings to be entered in a Book.

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

Directors to cause Accounts to be kept.

and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Notice of Meetings, how to be given.

C. 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 inserted in some Newspaper usually printed or circulated in *Liverpool*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Clerk of the Company to keep List of Proprietors.

CI. And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors (whether Corporations or Individuals) of the said Undertaking, and of the several Bodies and Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking (or, being a Corporate Body, by their Clerk or Agent duly appointed,) may, at all convenient Times, have recourse to and peruse 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 peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds, for the Benefit of the said Undertaking.

Directors may appoint temporary Treasurer or Clerk.

CII. 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 some other fit and proper Person to execute such Office in the Place of the Person who shall so 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 to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office as the said Company at such Meeting shall think proper.

Power of Directors to make Calls.

CIII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed

exceed the Sum of Twenty Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some Newspaper usually circulated in *Liverpool* aforesaid; which Monies so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places 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 so to pay such his or her rateable Proportion, together with the Interest (if any accrue) for the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, nor more than One Imparlance, shall be allowed; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest in manner last aforesaid, to be forfeited and sold in manner herein-after directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post unto or left at the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting, the said Company, by an Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited.

If calls are not paid, the Directors may sue for the same; or declare the Shares forfeited and sell them, after Notice given to the Owner.

CIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand,

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

Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or their Directors shall not, by virtue of this Act, sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expences attending the same; and from and after Payment of such Call, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Proceedings
in Actions
for Calls.

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

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

CVI. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest therein to some other Person, and no Register shall have been made
of

of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right of Property of any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person or to any Body Corporate by any other legal Means than by a Transfer or Conveyance thereof in the Form or 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, stating the Manner in which such Share hath been passed to such other Person or to such Body Corporate; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors in the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stating or claiming in such Affidavit to be the Proprietor or Proprietors of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation 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 such Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the last Proprietor appearing in the Book of the said Company to have been possessed of the same, and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on default being made, the said Share shall be forfeited in manner aforesaid, except only that in Cases of Proprietors being Abroad, the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at their last or usual

[*Local.*]

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Place

Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

Proprietors
in arrear
not to vote.

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

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

CVIII. 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 be made 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 Committees, or to remove and 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 to 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 confided to any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at the respective Meetings of such Committee, and all Questions shall be decided thereat by the Majority of Votes.

Shares may
be sold.

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

Form of
Conveyance.

‘ I *A. B.* of _____ in consideration of the Sum
‘ of _____ paid to me by *C. D.* of _____ do
‘ hereby assign and transfer unto the said *C. D.* _____ Share
‘ [*or Shares, as the Case may be*], numbered _____ of and in
‘ the _____
‘ the _____

‘ the Undertaking called the *Saint Helens* and *Runcorn Gap* Rail-
 ‘ way, to hold unto the said *C. D.*, his Executors, Administrators, and
 ‘ Assigns [*or* Successors and Assigns], subject to the same Condi-
 ‘ tions as I held the same immediately before the Execution hereof;
 ‘ and I the said *C. D.* do hereby agree to accept and take the said
 ‘ Share [*or* Shares], subject to the same Conditions. As witness our
 ‘ Hands and Seals, the Day of .’

And in every such Sale the Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Clerk of the said Company, who shall enter in some 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 Certificate of each Share shall be delivered by him to the Purchaser, for his or her Security, and for which Certificate no more than Two Shillings and Sixpence shall be paid; and after such Deed of Transfer shall have been made and entered as above directed, the Seller of every 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 or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

Memorials of Transfers and Sales to be kept by the Clerk.

CX. And be it further enacted, That no Person shall sell or transfer any Share 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, unless he or she, at the Time of such Sale or Transfer, shall have the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

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

CXI. And be it further enacted, That the said Company, or the Directors of the said Company, shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money 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 making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company or the said Directors up to that Period; and at the next subsequent Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time held 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 shall deter-

Accounts to be made up annually.

determine: Provided always, that no Dividend shall be declared or paid until the Yearly General Meeting which shall be held 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 of Money in respect thereof, until such Call shall have been paid.

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

CXII. And whereas by the Death of, or by other after-mentioned Events happening to, Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit (or solemn Affirmation by any Person of the Society of Quakers) in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to or solemnly affirmed by some credible Person before some Master 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 which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator or Intestate shall be made and sworn to or solemnly affirmed to by the Executors of the said Will, or the Administrators of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share of the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof, duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person before some Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon register and enter the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such

such Entry as is herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust (whether express or constructive) to which any Share aforesaid shall be subject or liable.

CXIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times to demand, receive, and recover to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway (including the Branches by this Act authorized to be made), or upon or along any Part of the same respectively, any Rates or Tolls not exceeding the following; (that is to say,)

Rate of Tonnage for Railway.

For Coal, Cannel, Slack, and Culm, the Sum of Two-pence Halfpenny *per* Ton of Sixty-three Cubic Feet *per* Mile:

For Coke, Charcoal, and Cinders, the Sum of Two-pence *per* Ton of Sixty-three Cubic Feet *per* Mile:

For Lime, Limestone, Dung, Compost, or other Manure, and for Materials for the Repair of the public Roads and Highways, the Sum of Two-pence *per* Ton *per* Mile:

For Stones, Sand, Clay, Building, Pitching, and Paving Stones, Flags, Bricks, Tiles, and Slates, the Sum of Two-pence *per* Ton *per* Mile:

For Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Lead, Iron, and other Metals and Minerals, the Sum of Three-pence Halfpenny *per* Ton *per* Mile:

For Cotton and other Wool, Hides, Drugs, manufactured Goods, and for all other Wares, Merchandizes, Matters, or Things, the Sum of Four-pence *per* Ton *per* Mile.

CXIV. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be carried or conveyed along or upon the said Railway for so short a Distance that the above-mentioned Tonnage Rates shall not amount to the Sum of One Shilling *per* Ton, the said Company shall be at liberty, and they are hereby empowered, to demand and receive the Sum of One Shilling *per* Ton thereon; any thing in this Act contained to the contrary thereof notwithstanding.

Where Rates do not amount to 1s. per Ton, Company authorized to receive 1s. per Ton.

CXV. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times to demand, receive, and recover, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Gigs, Landaus, Waggons, Carts, or other Carriages which shall be used on the said Railway for the Conveyance of Passengers or Cattle, any Toll not exceeding the following; (that is to say,)

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

For every Person passing in or upon any such Carriage, for any Distance not exceeding Six Miles, the Sum of One Shilling; for any Distance exceeding Six Miles, the Sum of Two Shillings:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Neat Cattle, carried in or upon any

[*Local.*]

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such

such Carriage, for any Distance not exceeding Six Miles, the Sum of One Shilling and Sixpence; and for any Distance exceeding Six Miles, the Sum of Three Shillings;

For every Calf, Sheep, Lamb, or Pig carried in or upon any such Carriage, the Sum of Sixpence for any Distance.

Regulations
as to frac-
tional Parts
of a Ton or
a Mile.

CXVI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the said Rates or Tolls may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, 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 or other Carriage with Goods or other Things the Tonnage whereof is according to the Mile shall pass upon the said Railway, the Rates of Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile which the said Waggon 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 full Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained at the Distance of One Quarter of a Mile from each other.

Company to
carry Goods,
&c.

CXVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and required, to carry and convey upon the said Railway all such Articles, Matters, and Things as shall be offered to them for that Purpose, and to demand, receive, and recover, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Articles, Matters, or Things carried or conveyed upon the same for the whole Length or Distance thereof, including the several Rates or Tolls herein-before authorized to be charged and received as and for Tonnage and Tolls, any Sum not exceeding the following Sums; (that is to say,)

Rates for
Carriage.

For Coal, Cannel, Culm, and Slack, the Sum of Three-pence *per* Ton of Sixty-three Cubic Feet *per* Mile:

And for Coke, Charcoal, and Cinders, the Sum of Three-pence *per* Ton of Sixty-three Cubic Feet *per* Mile:

For Lime, Limestone, and all Sorts of Dung, Compost, and Manure, and for Materials for the Repair of the public Roads, and for Stone, Sand, Clay, Building, Pitching, and Paving Stones, Tiles and Slates, and also for Timber, Staves, and Deals, the Sum of Three-pence Halfpenny *per* Ton *per* Mile:

For Sugar, Corn, Grain, and Flour, Dyewoods, Lead, Iron, and other Metals and Minerals, the Sum of Five-pence *per* Ton *per* Mile:

For Cotton and other Wool, Hides, Drugs, Groceries, and for all manufactured Goods, the Sum of One Shilling and Sixpence *per* Ton *per* Mile:

For

For Wines, Spirits, Vitriols, Glass, and other hazardous Goods, the Sum of Eight-pence *per* Ton *per* Mile :
And for Persons, Cattle, and other Animals, such reasonable Charge as shall from Time to Time be determined by the said Company.

CXVIII. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed upon the said Railway for so short a Distance that the Rate or Toll authorized by this Act to be demanded or received for the Carriage of the same shall not amount to the Sum of One Shilling and Nine-pence *per* Ton thereon, the said Company are hereby empowered to demand the Sum of One Shilling and Nine-pence *per* Ton thereon; any thing in this Act contained to the contrary notwithstanding.

The Com-
pany may de-
mand 1s. 9d.
per Ton for
short Dis-
tances.

CXIX. 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 make such Orders for ascertaining and fixing the Price or Sum to be charged or taken by the said Company 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 or vary the same, as to them shall seem proper.

Company
empowered
to fix the
Price of small
Parcels.

CXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of every Ship, Hoy, Bark, Flat, or other Vessel which shall come into the Dock by this Act authorized to be made, for the Purpose of loading or discharging Goods or Merchandize, and which shall not continue in such Dock for a longer Space of Time than Thirty-six Hours, any Sum not exceeding Three-pence for every Ton of Goods or Merchandize that shall be laden on board or discharged from such Ship, Hoy, Bark, Flat, or other Vessel, and any Sum not exceeding Three-pence *per* Ton for every Twelve Hours beyond such Thirty-six Hours as aforesaid that such Ship, Hoy, Bark, Flat, or other Vessel shall remain in such Dock; and for every Ship, Hoy, Bark, Flat, or other Vessel which shall come into the said Dock in Ballast, and so leave the same, and which shall not continue in such Dock for a longer Space of Time than Twenty-four Hours, any Sum not exceeding Three-pence *per* Ton Burthen of such Ship, Hoy, Bark, Flat, or other Vessel, and any Sum not exceeding Two-pence *per* Ton for every Twelve Hours beyond such Twenty-four Hours as aforesaid that such Ship, Hoy, Bark, Flat, or other Vessel shall remain in such Dock.

Tonnage of
Vessels using
the Dock.

CXXI. Provided nevertheless, and be it further enacted, That no Ship, Hoy, Bark, Flat, or other Vessel, without the Permission in Writing of the Dock Master of the said Dock, or of some Agent or Clerk of the said Company, shall be left or remain within the said Dock for a longer Period than Seven Days at One Time, under the Penalty of Twenty Shillings for every Ton Burthen of such Ship, Hoy, Bark, Flat, or other Vessel, for every Twelve Hours beyond such

No Vessel to
remain in the
Dock more
than Seven
Days, unless
by Permis-
sion.

such Seven Days that such Ship, Hoy, Bark, Flat, or other Vessel shall so be left or remain ; and all such Penalties may be demanded and recovered by the said Company, over and above and in addition to the Toll or Duties by this Act authorized to be taken.

Exempting
Vessels in
His Majesty's
Service.

CXXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or to any Ship, Transport, or Vessel employed in or upon His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

Power to
reduce the
Tolls and
Duties.

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

Company
empowered
to lease the
Rates and
Duties.

CXXIV. 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, Tolls, Sums, and Duties hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway and Dock, or of either of them respectively, unto any Person or Persons, 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 Persons as such Lessees shall appoint to collect and receive the Rates, Tolls, Sums, or Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates, Tolls, Sums, or Duties 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, Tolls, Sums, and Duties, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement published in some Newspaper circulated within the said County, at least Thirty Days prior to any General Meeting at which it may be in Intention or proposed that the said Rates, Tolls, Sums, and Duties, or any Part thereof, shall be let as aforesaid.

Power of
Re-entry.

CXXV. And be it further enacted, That in case any of the Rates, Tolls, Sums, 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 Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by such Lessee or Farmer shall be in arrear or unpaid for the Space of Twenty-one 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 Rates, Tolls, Sums, or Duties; or in case any temporary or other Collector of any of the said Rates, Tolls, Sums, or 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 any Representative of any such Collector who shall die, abscond, absent himself, or be discharged, or any other Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Three Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable; then and in any of the said Cases it shall be lawful for any One or more Justices of the Peace of the said County, upon Application made by the said Directors, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under the respective Hands and Seals of such Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereunto belonging, and to remove and put such Lessee or Farmer or other Person who shall be found therein, together with his or her Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls, Sums, or Duties, and to put the said Company or their Agent, or their new Lessee, Farmer, or Collector, 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 otherwise unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part; and it shall be lawful for the said Company or Directors, in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates, Tolls, Sums, 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.

List of Tolls and Duties to be affixed in conspicuous Places.

CXXVI. Provided always, and be it further enacted, That the said Company shall cause to be painted on Boards, and affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every Stop Gate, Toll Gate, public Wharf, or other Place at which any of the Tolls, Rates, or Duties by this Act authorized shall be collected or received, and to or in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates or Tolls which the said Company shall from Time to Time direct and appoint to be taken, and of the Prices or Sums of Money to be taken for the Carriage of Parcels as aforesaid upon the said Railway, and of the several Rates or Duties which the said Company shall from Time to Time direct to be taken for Ships or other Vessels entering or using the said Dock; and in case any Owner or Master of or Person having or assisting in the Charge of any Waggon or other Carriage passing upon the said Railway, or any Collector of the said Rates, Tolls, Sums, or Duties aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount therein specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Tolls only payable whilst Board remains affixed.

CXXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any of the Rates, Tolls, Sums, or Duties by this Act granted, but for and during such Time as the Board on which such Rates, Tolls, Sums, or Duties shall be so painted as aforesaid shall remain affixed to such Stop Gate, Toll Gate, public Wharf, or other Place of Receipt as aforesaid.

Penalty on Persons defacing the Boards.

CXXVIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Bye Laws, Orders, or Rules, Rates, Tolls, Sums, or Duties, shall have been painted as aforesaid, or shall concur or aid therein, he or she shall, on Conviction, forfeit and pay to the said Company a Sum not exceeding Five Pounds for every Offence.

For preventing Toll Collectors misbehaving.

CXXIX. And be it further enacted, That every Collector of the Rates, Tolls, Sums, or Duties hereby authorized 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 Gate, public Wharf, or other Place at which any of the said Tolls, Rates, Sums, or Duties shall be collected or received, whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Rates, Tolls, Sums, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate, Toll, Sum, or Duty than he shall be authorized to do by virtue of the Power of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof,

thereof, or shall demand or take a Rate, Toll, Sum, or Duty from any Person who shall be exempt from Payment thereof and claim such Exemption, or shall refuse to permit or shall not permit 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 legal Rates, Tolls, Sums, or Duties, or shall in answer to such Demand give a false Name or Names, or, upon the legal Rate, Toll, Sum, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct or prevent any Passenger from passing through any Stop Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer of the said Company, or to any Person passing upon the said Railway or entering or using the said Dock, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

CXXX. And be it further enacted, That the Rates of Tonnage, Tolls, Duties, and other Sums hereby authorized shall be paid to such Persons, at such Places upon or near the said Railway and Dock, and in such Manner, and under such Regulations as the said Company, at some General or Special Meeting, or as the said Directors, shall, by Notice to be annexed to the Account or List of Rates, Tolls, Sums, or Duties, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, Sums, or Duties as may have accrued due, to the Person or Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, Sums, 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 any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, Sums, or Duties ought to have been paid may and he and they is and are hereby empowered to seize the Articles, Matters, or other Things for or in respect whereof any such Rates, Tolls, Sums, or Duties ought to be or to have been paid, or any Part thereof, and the Waggon and other Carriages laden therewith, or the Ship, Hoy, Bark, Flat, or other Vessel in respect whereof any such Rates or Duties ought to be or to have been paid, and detain the same respectively until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Articles, Matters, or other Things as aforesaid 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, Tolls, Sums, 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 herein mentioned.

Recovery of Rates.

CXXXI. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, Sums, or Duties due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful

For settling Disputes about the Amount of Rates, &c.

lawful for the Collector or Person distraining to detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Rates, Tolls, Sums, or Duties due, or, as the Case may require, the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said County, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the said Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, Sums, or Duties due, or, as the Case may be, of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think 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.

CXXXII. And be it further enacted, That the respective Owners or Persons having the Care of Waggons or other Carriages passing upon the said Railway shall give an exact and true Account in Writing signed by them, to the Collectors of the Rates, Tolls, or Sums, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in the Waggons or other Carriages so belonging to or under their Care, from whence such Waggons or other Carriages are 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, Tolls, or Sums, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates, Tolls, or Sums; and in case any such Owner or other Person as aforesaid shall neglect or refuse to give and deliver such an Account or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates, Tolls, or Sums, and shall be thereof convicted before any Justice of the Peace for the said County, 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 or Five hundred Pounds Weight, (as the Case may be,) which shall be in such Waggon or other Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, (as the Case shall happen,) over and above the Rate, Toll, or Sum to which such Articles or Things may be liable.

Weight of
Tonnage as-
certained in
respect of the
Railway.

CXXXIII. And for better ascertaining the Tonnage of Goods and other Things conveyed upon the said Railway, to be charged with the Payment of any such Rates or Tolls, be it further enacted, That One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weight shall be deemed One

One Ton of any Goods, Merchandize, or Articles, except such shall be Coal, Cannel, Slack, Charcoal, Culm, Coke, or Cinders, of which Sixty-three Cubic Feet shall be deemed and estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight; any Usage to the contrary notwithstanding.

CXXXIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, or Sums, or any Toll Keeper, or Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Waggon or other Carriage, or of any Goods or other Articles or Things therein or thereon, it shall be lawful for 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 and other Carriage, and all such Goods and other Things as shall be therein or thereon respectively; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Waggon or other Carriage, and the respective Owners of such Goods and other Things, shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such weighing, measuring, and gauging; and all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Means as the said Rates, Tolls, and Sums are herein authorized to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Owner of or Person having Charge of such Waggon or other Carriage, and to the respective Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the said County, on the Oath of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made to 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 such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods or other Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company or by such Collector or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon

If any Difference arise concerning Weight, the Collector may weigh or measure the Waggons.

Demand, after deducting the Costs of such Distress and Sale, to the said Company or to the said Collector or other Officer as aforesaid (as the Case may be).

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

CXXXV. And be it further enacted, That the respective Owners of Waggon or other Carriages passing along the said Railway shall cause their Names and Places of Abode, and the Numbers of their Waggon or other Carriages, to be entered with the Clerk of the said Company, and shall also cause such Names and Places of Abode and Numbers to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Length at least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit 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 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 of or other Person 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 weighed, measured, and gauged, or without having such Weight and Gauge, and such Names, Residence, and Figures, marked thereon respectively as herein-before directed, or who shall alter, erase, deface, or hide such Weight or Gauge, or Names, Residence, or Figures, or any of them, or any Part thereof, or shall fix thereon any false Weight, Gauge, Name, Residence, or Figure, or shall refuse to permit any such Waggon or other Carriage to be weighed, measured, or gauged, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

Owners of Waggon and Vessels to be accountable for Damage done by their Servants.

CXXXVI. And be it further enacted, That the respective Owners of Waggon or other Carriages passing upon the said Railway, and the respective Owners of every Ship, Hoy, Bark, Flat, or other Vessel using or entering the said Dock, shall be, and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Waggon or other Carriages, or by their Vessels, or by any Persons belonging to or employed by them respectively, to the said Railway or to the said Dock, or to any of the other Works made under the Authority of this Act, either by loading or unloading of such Waggon, Carriages, or Vessels, or by any Means whatsoever; and every such Owner shall, for every such Trespass, Damage, or Mischief, upon Conviction of any such Person so employed as aforesaid before some Justice of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness, pay to the said Company, or to the Person or Persons injured, the Damages to be ascertained by such Justice, so that the same 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 Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner

or Owners of such Waggon or other Carriage or Vessel, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after deducting of such Damages, Penalties, and Costs, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; but if the Value or Amount of such Trespass, Damages, or Mischief shall exceed the Sum of Twenty Pounds, the Owner or Owners of such Waggon or other Carriage, or of such Vessel, and his, her, or their Executors or Administrators, may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, her, or them, either upon Proof made or by Default or upon Demurrer, the Plaintiff or Plaintiffs in any such Case shall recover Damages thereby sustained, with full Costs of Suit.

CXXXVII. Provided always, and be it further enacted, That in case any Owner of any Waggon or other Carriage passing upon the said Railway, or any Owner of any Vessel being or having been in the said Dock, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of any of his or her Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, as the Case may be, with the Costs attending the same, to such Owner; and in case of Nonpayment, thereof on Demand, and Oath made by such Owner of the Payment by him or her of such Penalty and Satisfaction, or either of them, as the Case may be, and that the same have not or hath not been repaid to him or her by such Servant, although demanded, (such Oath being made before some Justice of the Peace for the said County,) such Penalty and Satisfaction, or either of them, (as the Case may be,) and the Costs aforesaid, shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, as the Case may be, and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and the Costs so by him or her paid, for the wilful Neglect or Default of such Servant aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to some Common Gaol or House of Correction for the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

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

CXXXVIII. And be it further enacted, That if any Person shall throw or place, or wilfully scatter or drop, any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, or into or upon the said Dock, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, or the free Use of the said Dock, 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.

CXXXIX. And

Penalty on
destroying
Works.

CXXXIX. And be it further enacted, That if any Person shall wilfully, and to the Injury of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or take away any Part of the said Railway, Dock, or other Works erected or made by virtue of this Act, or any Part of the Materials thereof respectively, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as in Cases 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 award such Sentence as the Law directs in Cases of Petit Larceny.

Company to
regulate the
Passage on
the Railway,
and Use of
the Dock.

CXL. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper, for or relating to Waggon or other Carriages passing upon the said Railway, and for or relating to the Power to be used for propelling such Waggon or Carriages, and also for or relating to the Speed with which they shall travel, and also for the loading thereof respectively, and for passing upon or using the said Railway, and also for or relating to the Entry and Exit of Vessels into and out of the said Dock, and the Manner of mooring, moving or removing of such Vessels from one Part to another Part of such Dock, and also for the Delivery of Goods, Merchandise, and other Matters and Things which shall be conveyed in or upon such Waggon or other Carriages, and in or upon such Vessels respectively, and generally for using and working such Railway and Dock and other Works by this Act authorized; and all such Orders and Regulations shall be submitted to Two or more Justices of the Peace for the said County, and when ratified by such Justices shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Waggon or other Carriages and Vessels respectively, and by all Persons using or working such Railway, Dock, or other Works as aforesaid, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default.

Penalty on
obstructing
Railway by
leaving Wag-
gons, &c.

CXLI. And be it further enacted, That if the Loading of any Waggon or other Carriage using the said Railway shall be suffered to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon or other Carriage, or if any Waggon or other Carriage, or any Article, Matter, or Thing, shall be placed or be suffered to remain on any Part of the said Railway or other Works connected therewith, so as to obstruct the Passage or working thereof, and the Person having the Care of such Waggon or other Carriage, Article, Matter, or Thing, shall not immediately upon Request made remove the same, then and in any such Case such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Waggon or other Carriage, Article, Matter, or Thing, to be unloaded

(if

(if necessary), and be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Waggon or other Carriage, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by such unloading or Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of the said Company, be liable or accountable for any Damage or Loss occasioned by any such unloading or Removal, or for any Delay occasioned thereby, nor in any other Way relating thereto, except for wilful Damage done to any Waggon, Carriage, or Article so unloaded or removed, nor shall they or he be liable for the safe Custody of any such Waggon or other Carriage or any Article which shall be so removed, unless the same shall be wrongfully detained by the said Company or by the said Agent or Officer, and then only so long a Time as the same shall be so detained.

CXLII. And be it further enacted, That the Dock Master of the said Dock, and his Assistants, shall have full Power and Authority to direct the mooring, unmooring, moving or removing from one Part of the Dock to another Part thereof, all Vessels coming into, lying, or being in such Dock, and the Positions of the Vessels, and the loading and discharging thereof; and in case the Owner, Master, Pilot, Servant, or other Person having the Command or Charge of any such Vessel, shall refuse or neglect to moor, unmoor, move, or remove the same according to such Direction as aforesaid, then it shall be lawful for such Dock Master or his Assistants, and he and they is and are hereby required, to moor, unmoor, move, or remove such Vessel as aforesaid; and every such Owner, Master, Pilot, Servant, or other Person having the Care or Charge of any Vessel, and so refusing or wilfully neglecting to moor, unmoor, move, or remove the same, or obstructing or hindering the Dock Master, or any of his Assistants, in the mooring, unmooring, moving, or removing any such Vessel, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds over and above and in addition to any other Penalty to which such Master, Pilot, Servant, or other Person may, in the same Case, be subject to by virtue of this Act, together with the Costs and Charges which may be incurred by such Dock Master, or his Assistant or Assistants, in the mooring, unmooring, moving, or removing any such Vessel.

Dockmaster,
&c. to regulate Vessels
the Dock;

CXLIII. And be it further enacted, That the Dock Master of the said Dock, and his Assistants, shall have full Power and Authority to direct the Time or Times and Manner of any Vessel coming into or going out of such Dock, and also the Time and Times of opening and shutting the Gates thereof; and every Master, Pilot, Servant, or other Person having the Command or Charge of any Vessel, who shall act contrary to the Directions or who shall refuse or wilfully neglect to obey the Orders of such Dock Master or of any of his Assistants, in relation to the Manner of coming into or going out of such Dock, or shall obstruct or hinder him or them in the opening or shutting the Gates thereof, or shall wilfully and contrary to the Orders of the said Dock Master or his Assistants obstruct or impede the Entrance of any Vessel into the said Dock,

and to
direct Vessel s
coming into
and going
out of Dock.

[*Local.*]

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shall

shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence.

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

CXLIV. And be it further enacted, That the said Company shall at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and set up, and from Time to Time maintain, such and so many convenient Gates in and upon or adjoining the said Railway, and such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from such Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Use of the Owners and Occupiers of the Lands through which such Railway shall be made, or for protecting the said Lands 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 maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents, Surveyors, and Workmen, are hereby empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or set up or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands or Grounds who shall find themselves aggrieved by such Neglect or Refusal to make and set up, or, as the Case may require, to maintain and repair, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and set up as aforesaid, so that in making or repairing and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway, or any of the Works by this Act authorized to be made and erected by the said Company, shall not be obstructed for any longer Space of Time or be used in any other Manner than shall be unavoidably necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands, who shall have so made and set up, repaired or maintained; such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Com-

pany, 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 to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices 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 Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and the said Owners or Occupiers, upon Refusal or Neglect 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 for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no Bridge or Arch shall be required to be erected or made, or shall be erected or made, over or under the said Railway, or any Part thereof, at or in any Place or Manner at or in which the same would, if so made, prevent or obstruct the working or using of the said Railway.

CXLV. Provided always, and be it further enacted, That if any of the Owners or Occupiers of any Lands, Tenements, 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, or Passages 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, Tenements, or Hereditaments through which the said Railway shall pass, it shall be lawful for any such Owners or Occupiers, with the Consent 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 of the said Justices, to make and erect, at the Costs and Charges of such Owners or Occupiers, 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, Tenements, or Hereditaments, and which shall thenceforth be repaired and maintained by and at the Costs and Charges of the respective Owners or Occupiers for the Time being of the respective Lands, Tenements, or Hereditaments, the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

Owners of Land empowered to erect Gates, &c., on insufficiency of those erected by the said Company.

CXLVI. Pro-

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

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

Passage on Railway to be free on Payment of Tonnage.

CXLVII. 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, Merchandizes, or any other Thing, 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 Waggon and other Carriages properly constructed as by this Act directed, 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 herein-before mentioned or referred to, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted; and all Ships, Hoys, Barks, Flats, or other Vessels shall have free Liberty to come into the said Dock, upon Payment only of such Rates, Tolls, or Duties as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Duties herein-before mentioned or referred to, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Railway not to be used as a Passage for Horses or other Cattle.

CXLVIII. And be it further enacted, That if any Person (save and except the said Company, and their Agents and Servants employed by them, and by them only for the Purposes of the Railway or Dock,) 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 any Part thereof, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon, 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,) every Person so offending shall forfeit and pay to the said Company any Sum not exceeding

exceeding Forty Shillings nor less than Twenty Shillings for every such Offence.

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

Penalty on
Persons on
Foot using
the Railway.

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

Waggons, &c.
to be con-
structed as
directed by
the Com-
pany.

CLI. And be it further enacted, That no Waggon or other Carriage shall carry at any One Time upon 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, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may from Time to Time direct or appoint, not exceeding Sixpence *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 any Part of the said Railway without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may deem proper.

Weights al-
lowed to be
carried on
the Railway.

For fencing
off Railway
through pri-
vate Lands.

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

Gates to be
shut and fas-
tened after
Waggons
shall have
passed
through.

CLIII. And be it further enacted, That all Persons opening any Gate set up across the said Railway shall and they are hereby respectively required, as soon as they, and the Waggon or other Carriage under their Care or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and the Money to arise by such Forfeitures shall be paid One Half Part thereof to the Informer, and the Residue thereof to the Poor of the Township or Parish wherein such Offence shall be committed.

Allowing the
Owners of
Land to make
Branches to
communicate
with the
Railway.

CLIV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands, Tenements, or Hereditaments adjoining or lying near to the said Railway, and for all other Persons, to lay down, either upon their own Lands or upon the Lands of any other Persons, with the Consent of such other Persons, any Collateral Branches from their respective Lands, Tenements, or Hereditaments, to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway, for effecting such Communication, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Articles, Matters, or Things along such Branches to be made by any such Owner or Occupier or Person as aforesaid.

Roads may
be made
across the
Railway by

CLV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands, Tenements, or Hereditaments lying adjoining or near to the said
Railway,

Railway, from making any Railway, Tramroad, common Road, or Watercourse to, from, or across the said Railway hereby authorized to be made, and to use such first-mentioned Railway, Tramroad, common Road, or Watercourse for the Benefit of himself or herself, and of all other Persons to whom he or she may from Time to Time give Leave, so that such Railway, Tramroad, common Road, or Watercourse do no Injury to, and do not prevent the free Passage over and upon, the said Railway hereby authorized to be made by the said Company.

the Owners
of adjoining
Premises.

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

Company
may con-
tract for the
Works.

CLVII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, 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 as easy Access as before to their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Springs, 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 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 thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over and Tunnels for the same respectively, as any Two or more Justices of the Peace of the said County of *Lancaster* 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, to the said Watering Places respectively; and all such

Company to
make suffi-
cient Drains
to carry the
Water off the
Land.

such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or, being made, are not cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said County of *Lancaster* from Time to Time, as often as there shall be Occasion, and the said Justices are hereby authorized and empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly; and the reasonable Charges 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 Five Days after Demand thereof made upon the said Company, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Directing
what shall
be good Ser-
vice of Notice
on the Com-
pany.

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

Declaring
what shall be
good Service
of Notice
by the Com-
pany.

CLIX. And be it further enacted, That in all Cases wherein it may be necessary 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 or may be in Writing or in Print, or partly in Writing and partly in Print, and be signed by any One of the Directors of the said Company, or by the Clerk for the Time being of the said Company, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company, and such Notice shall be delivered to such Person, or be left at his or her last or usual Place of Abode, or be delivered to some Member of such Corporation, or be left at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or
Officer,

Officer, or at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

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

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

CLXI. Provided also, and be it further enacted, That if the said Railway or Dock, or any Part thereof, shall at any Time hereafter be abandoned and 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 or Dock, then and in such Case the Lands, Tenements, and Hereditaments so taken or used by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof over which the said Railway or Dock, or any Part or Portion of such Railway or Dock which shall be so abandoned or given up by the said Company, shall pass or be made, 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 Half thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side thereof.

If Railway abandoned by the Company, Land to vest in Owners of adjoining Land proportionably.

CLXII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor, or on the Part of the Party summoned or accused, 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 the Case of a Quaker, on solemn Affirmation,) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For compelling Witnesses to attend and give Evidence.

CLXIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise,
 [Local.] 21 Z Clerk of the Company for

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may grant
Releases to
Witnesses.

for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, with the Approbation of the said Directors, and in the Name of such Clerk, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing 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.

In case of
Nonpayment
of Compensation
for
Damages,
&c., the same
to be levied
by Distress
of the Goods
of the Com-
pany or of
their Treas-
urer.

CLXIV. And be it further enacted, That when and as often as any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party 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 or 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 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 made to him for that Purpose by the Party entitled to receive such Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damage, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus of the Money arising from such Sale shall be returned, on Demand, to the Treasurer of the said Company, for the Use of the said Company or of their Treasurer for the Time being (as the Case may be): Provided always, that it shall be lawful for such Treasurer to retain, out of any Money which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges,
and

and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

CLXV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order 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, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised and recovered, after discharging such Penalty or Forfeiture and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; and all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer 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 Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices, for his or her Appearance before such Justices, or before some other Justices for the Peace of the said County, on such Day as shall be appointed for the Return of such Warrant of Distress, (such Day not being more than Seven Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties and such Costs and Expences as aforesaid, and the same shall not forthwith be paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender, or otherwise, that he or she 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, but in such Case it shall be lawful for such Justices and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County within their Jurisdiction, there to remain 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.

Recovery
and Applica-
tion of Penal-
ties.

CLXVI. And

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

CLXVI. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges 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.

Justices may proceed by Summons in recovering of Penalties.

CLXVII. 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 before him the Party complained against, 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 or her 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 before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

For securing transient Offenders.

CLXVIII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the said County, 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, hearing, and determining of the Complaint.

Forms of Information and Conviction.

CLXIX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

‘ to wit. } **B**E it remembered, That on the _____ Day
 ‘ of _____ *A. B.* of _____ informeth
 ‘ me, One of His Majesty's Justices of the Peace for
 ‘ that _____ of _____ [*here describe the Offence,*
 ‘ *with the Time and Place*], contrary to an Act passed in the Eleventh
 ‘ Year

‘ Year of the Reign of His Majesty King *George* the Fourth, inti-
 ‘ tuled [*insert the Title of this Act*], which hath imposed a Forfeiture
 ‘ of for the said Offence. Taken the
 ‘ Day of before me .’

‘ } **BE** it remembered, That on the Day of Form of
 ‘ to wit. } *A. B.* is convicted before me *C. D.*, One of Conviction.
 ‘ His Majesty’s Justices of the Peace for the County of
 ‘ [*specifying the Offence, and the Time and Place when and where the*
 ‘ *same was committed, as the Case may be*], contrary to an Act passed
 ‘ in the 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.’

CLXX. 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 any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not
unlawful for
Want of
Form.

CLXXI. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company and all other Bodies and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justices of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, 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

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

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.

CLXXII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written, or printed Paper, purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders, 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, or Orders, hath been affixed and published in manner by this Act directed, and, in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and generally continued in manner by this Act directed.

Proceedings
not to be
quashed for
Want of
Form.

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

Limitation of
Actions.

CLXXIV. Provided also, and be it further enacted, That no Action, Suit, or Information, nor any 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 Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant 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 Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information 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 by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information shall have been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant or Defendants; 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 thereto, or if a Verdict shall pass
against

against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

CLXXV. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

CLXXVI. 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*, to the Waters, Shore, Strand, and Beach of the River *Mersey*, or to the Marsh Land or other Land, or Hereditaments, Strand, Shore, and Beach, or other Rights and Privileges appertaining to His Majesty's Manor of *Widnes* in right of His said Duchy.

Saving Rights of His Majesty's Duchy of Lancaster.

CLXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Liverpool and Manchester Railway* in and by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tramroad from the Town of Liverpool to the Town of Manchester, with certain Branches therefrom, all in the County of Lancaster*; and also in and by another Act, passed in the Seventh and Eighth Years 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 Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Mersey and Irwell Navigation* in or by the various Acts of Parliament for making and maintaining the Rivers *Mersey* and *Irwell* navigable from *Liverpool* to *Manchester* in the said County Palatine of *Lancaster*; or to prejudice, diminish, alter,

Saving Rights of the Liverpool and Manchester Railway Company;

7 G. 4. c. 49.

7 & 8 G. 4. c. 21.

9 G. 4. c. 7.

and of the Mersey and Irwell Navigation and Sankey Canal Companies.

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

Saving
Rights of the
Liverpool
Corporation
and Dock
Trustees.

CLXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away the Rights of the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County of *Lancaster*, or of the Trustees of the *Liverpool* Docks, to the Receipt of any Tolls or Town's Duties or Dock Duties to which they are by Law entitled.

General
Power to
Justices to
administer
Oaths.

CLXXIX. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person, before he or she shall be examined by or before such Justice.

Public Act.

CLXXX. 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 referred to by the foregoing Act.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Widnes in the Parish of Prescott.</i>			
John Shaw Leigh, Esquire -	-	Mark Wright -	Plantation.
John Dennett, Trustee of the late — Ashton, or Margaret Yates and Sarah Leather - - -	-	William Hurst -	Garden, Yard, and Orchard.
Joseph Knowles and Thomas Knowles - - -	-	Joseph Pearson -	Outbuildings, Garden, and Yard.
William Hunt - - -	-	William Hunt -	Garden and Outbuildings.
Samuel Gregson and Isabella Gregson, Trustees of the late Matthew Gregson, or Samuel Gregson and Ellen his Wife - - -	-	John Haslam -	Plantation.
James Hunt and Jane Hunt	-	John Leather and Jane Hunt -	Gardens.
William Smythe - - -	-	William Smythe -	Ruined Cottage, &c.
Ditto - - -	-	Ditto -	Old Dye House and Yards.
John Shaw Leigh, Esquire -	-	John Shaw Leigh, Esquire -	Plantation.
Ditto - - -	-	Ditto -	Ditto.
Ditto - - -	-	Ditto -	Ditto.
Ditto - - -	-	Ditto -	Ditto.
Ditto - - -	-	Ditto -	Ditto.
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	-	Sarah Radcliffe - Samuel Woods - James Woods - Elizabeth Dutton - James Gallimore - Ralph Kirfoot - John Woods, and Thomas Woods -	Inclosures from the Waste Land, occupied as Gardens.
<i>Township of Bold in the Parish of Prescott.</i>			
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	-	Richard Ainsdell -	Outbuildings and Garden.
Ditto - - -	-	Peter Smith -	Ditto.
Ditto - - -	-	Joseph Monk -	Cottage and Garden.
Ditto - - -	-	Sarah Ellison -	House, Outbuildings, and Garden.
Ditto - - -	-	Ditto -	Garden.
Ditto - - -	-	James Smith -	Outbuildings and Garden.
Ditto - - -	-	Martin Knight -	Outbuildings and Garden.
Ditto - - -	-	Unoccupied -	Old House, called The Union.
Ditto - - -	-	James Holliwell -	House, Outbuildings, and Garden.
Ditto - - -	-	Thomas Grace -	Garden.
Ditto - - -	-	Josiah Isherwood -	Cottage and Garden.

[Local.]

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Sutton in the Parish of Prescott.</i>			
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	} -	John Ormson -	Cottage and Garden.
Ditto - - - -	- -	Thomas Grace -	Workshop and Shippon.
Ellen Hughes - - - -	- -	Richard Baxter -	Orchard.
Ditto - - - -	- -	David Lamb -	Outbuildings and Garden.
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	} -	John Hill - -	Outbuildings and Gardens.
Mrs. Wright, Representative of — Wright, deceased -	} -	John Abbott -	Outbuildings and Garden.
Susannah Marsh - - - -	- -	John Smith - -	Outbuildings and Garden.
Trustees of the late Mr. Pemberton - - - -	} -	William Bickerstaff	{ House, Outbuildings, and Garden.
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	} -	Richard Fletcher -	Garden.
Mrs. Pemberton - - - -	- -	{ Henry Upton and Betty Elaby - }	Cottages and Garden.
Henry Bold Hoghton, Esquire, and Dorothea his Wife -	} -	Joseph Woods -	Cottage and Garden.
Ditto - - - -	{ Edward Greenall, Esquire }	Thomas Higginson	Garden.
Ditto - - - -	- -	Ralph Taylor -	Garden and Orchard.
Ditto - - - -	- -	Samuel Marrow -	Garden and Outbuildings.
Ellen Hughes - - - -	- -	Ralph Wright -	Garden.
Lord Skelmersdale and Rev ^d Strencham Masters, Clerk, Devises in Trust of the late Thomas Eccleston, Esquire -	} -	Clare and Haddock	Plantation.
Ditto - - - -	- -	Ditto -	Ditto.
John Gladstone, Esquire, sur- viving Trustee of the late Colonel Frazer - - - -	} -	{ Benjamin Rushton James Ray - James Hand, and — Watson - }	Gardens.
Greenall & Pilkingtons -	- -	- - - -	Ditto.
John Gladstone, Esquire, sur- viving Trustee of the late Colonel Frazer - - - -	} -	Thomas Haddock -	Garden.
Marquis of Salisbury - - - -	- -	{ James Welsby and William Welsby }	Plantation called Ainsdell's Wood.
John Bourne, James Bourne, Peter Bourne, and Robert Robinson - - - -	} -	{ Joseph Moore and Widow Anders }	Cottages, Gardens, and Plantation.
Ditto - - - -	- -	George Ellison -	{ Cottage, Garden, and Out- buildings.
William Pilkington, Com- mittee of James Tarbuck, a Lunatic - - - -	} -	Thomas Ashton -	Garden and Outbuildings.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Parr in the Parish of Prescott.</i>			
Richard and James Boardman	- -	James Boardman -	Garden and Outbuildings.
John Sutton, Robert Sutton, Peter Sutton, Joseph Greenough, Peter Dumvill, and Henry Sutton	- -	John Sutton - -	Garden.
John Shaw Leigh and Thomas Hawkes	- -	James Knowles - Thomas Knowles - James Borrows - Thomas Greenough - William Scott - William Gleave - Thomas Taylor, and John Hazledew - John Makin - -	Cottages and Gardens.
William Pilkington, Committee of James Tarbuck, a Lunatic	- -		Cottage and Garden.
John Woods	- -	John Morsdell and Joseph Fiendly -	Gardens.
<i>Township of Windle in the Parish of Prescott.</i>			
Proprietors of the Sankey Brook Navigation	- -	Charles Forrest -	Cottage and Garden.
Sir John Gerard	- -	Thomas West & Co.	Stables and Weighing Machine.
Ditto	- -	Henry Fairhurst.	Plantation.

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list is as follows:

Name	Address
Mr. A. B. C.	123 Main Street, New York, N.Y.
Mr. D. E. F.	456 Broadway, New York, N.Y.
Mr. G. H. I.	789 Park Avenue, New York, N.Y.
Mr. J. K. L.	1010 Fifth Avenue, New York, N.Y.
Mr. M. N. O.	1111 Madison Avenue, New York, N.Y.
Mr. P. Q. R.	1212 Lexington Avenue, New York, N.Y.
Mr. S. T. U.	1313 York Avenue, New York, N.Y.
Mr. V. W. X.	1414 East 86th Street, New York, N.Y.
Mr. Y. Z. A.	1515 East 79th Street, New York, N.Y.
Mr. B. C. D.	1616 East 72nd Street, New York, N.Y.
Mr. E. F. G.	1717 East 65th Street, New York, N.Y.
Mr. H. I. J.	1818 East 58th Street, New York, N.Y.
Mr. K. L. M.	1919 East 51st Street, New York, N.Y.
Mr. N. O. P.	2020 East 44th Street, New York, N.Y.
Mr. Q. R. S.	2121 East 37th Street, New York, N.Y.
Mr. T. U. V.	2222 East 30th Street, New York, N.Y.
Mr. W. X. Y.	2323 East 23rd Street, New York, N.Y.
Mr. Z. A. B.	2424 East 16th Street, New York, N.Y.
Mr. C. D. E.	2525 East 9th Street, New York, N.Y.