



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## Cap. lx.

An Act to enable the Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury* to make and maintain a Railway from *Manchester* to *Bolton* and to *Bury* in the County Palatine of *Lancaster*, upon or near the Line of the said Canal Navigation, and to make and maintain a Collateral Branch to communicate therewith. [23d August 1831.]

**W**HEREAS by an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from Manchester to or near Prestolee Bridge in the Township of Little Lever, and from thence by one Branch to or near the Town of Bolton, and by another Branch to or near the Town of Bury, and to Weddell Brook, in the Parish of Bury, all in the County Palatine of Lancaster,* the Persons therein named, their Successors and Assigns, together with such Person or Persons as should at any Time thereafter become possessed of One or more Share or Shares, as therein is mentioned, of the said Navigation, were united into a Company for making and maintaining the said Canal according to the Rules and Directions therein expressed, and were created a Body Politic or Corporate by the Name of "The Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury*," and by that Name are directed to have perpetual Succession and

[Local.] 13 P a Com- 31 G. 3. c. 68.



a Common Seal, and were empowered to make and maintain a navigable Canal from a Place in the River *Irwell* at or near the *Sugar House* or *Old Quay* in *Manchester* aforesaid, through the several Parishes of *Manchester*, *Eccles*, and *Prestwich*, and into or near a Meadow belonging to *Edward* and *Christopher Whitehead*, in the Parish of *Bolton* and near *Prestolee Bridge*, and from thence to be continued by one Branch to or near *Church Bridge* at the Town of *Bolton*, and by another Branch through the Parish of *Bolton* and the Parishes of *Radcliffe* and *Bury* to *Bury Bridge*, and from thence to *Weddell Brook* in the Parish of *Bury* aforesaid, and were authorized to purchase Land and take Water, and exercise other Powers necessary for making and maintaining the said Canal; and by the said Act certain Commissioners were appointed for settling Differences in manner therein mentioned between the said Company of Proprietors and the several Owners of and Persons interested in the Tenements, Hereditaments, Mills, or Waters which should be affected or prejudiced by the Execution of the Powers thereby granted touching the Purchase Money to be paid or Recompence to be made to them respectively; and by the said Act the said Company of Proprietors were authorized to raise and contribute amongst themselves, for making, completing, and maintaining the said Canal and Works, the Sum of Forty-seven thousand seven hundred Pounds, and if that Sum should be found insufficient, the further Sum of Twenty thousand Pounds; and the said Sums were directed to be divided into Shares of One hundred Pounds each, which should be vested in the Persons subscribing the same, their respective Executors, Administrators, and Assigns, and should be Personal Estate; and the said Company of Proprietors were also authorized to raise the said Sum of Twenty thousand Pounds by Mortgage of the said Undertaking, as in the said Act is mentioned; and in the said Act are contained certain Provisions for regulating the Meetings of the said Company of Proprietors, and the Appointment and Meetings of the Committee for managing the Affairs of the said Company and the Conduct of the Business of the said Company: And whereas by an Act passed in the Forty-fifth Year of the Reign of His said late Majesty King *George* the

45 G. 3. c. 4. Third, intituled *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to Bolton and to Bury to raise Money to complete the same*, the said Company of Proprietors were authorized to raise amongst themselves the further Sum of Eighty thousand Pounds, or to raise the same by way of Mortgage of the said Undertaking, and the said Company were also empowered to erect Warehouses, and to purchase, lease, or hire Ground or Buildings for depositing or keeping Goods: And whereas the said Canal Navigation and Works authorized to be made by the said Acts have long since been completed: And whereas the Sum of Forty-seven thousand seven hundred Pounds was contributed by the said Company of Proprietors in pursuance of the said Acts, in Four hundred and seventy-seven Shares of One hundred Pounds each; and they afterwards contributed among themselves, in proportion to their respective Shares, other Sums of Money, in pursuance of the said Acts: And whereas the said Canal and Works of the said Company of Proprietors are now divided into Four hundred and seventy-seven Shares: And whereas considerable Sums of Money have been borrowed on Mortgage of the said Undertaking, in pursuance of the said Acts or One of them: And whereas the making and maintaining of a Railway, with proper Works and Conveniences, for the Passage of Waggons and other Carriages,



Carriages, on the Site of the said Canal or some Part thereof, or near the Site thereof, with such Branches therefrom as herein-after are mentioned, will afford more convenient and expeditious Means of Communication than the said Canal, or the Part thereof in the Place of which the same may be made, and therefore be of public Utility: And whereas the King's most Excellent Majesty, in right of His Duchy of *Lancaster*, is entitled to certain Lands in the Township of *Salford* over which the proposed Railway is intended to pass: And whereas it is expedient that the Provisions of the said recited Acts should be consolidated and amended; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said herein-before recited Acts of the Thirty-first and Forty-fifth Years of the Reign of His said Majesty King *George* the Third, and all and every the Powers, Authorities, Matters, and Things therein respectively contained, shall be and the same are hereby repealed: Provided nevertheless, that the Repeal of the said Acts or either of them shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Act, Matter, Proceeding, or other Transaction or Thing whatsoever, already made, done, executed, transacted, commenced, or instituted under or by virtue or in pursuance of the said Acts or either of them, or otherwise, by or on behalf of the said Company of Proprietors of the said Navigation, but that all such Purchases, Sales, Conveyances, Grants, Leases, Agreements, Securities, Acts, Matters, Transactions, Proceedings, and other Things shall be and the same are hereby declared to be as good, valid, and effectual to all Intents and Purposes whatsoever, and shall or may be completed and terminated in like Manner as if the said Acts respectively were not repealed by the Authority of this Act.

Recited  
Acts re-  
pealed.

Such Repeal  
not to affect  
any Proceed-  
ings already  
had;

II. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the suing for or recovering of any Penalty incurred by any Offence against the Provisions of the said Acts hereby repealed, or either of them, previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or to be brought for any such Offence, but all Penalties which may have been incurred before the passing of this Act, under the Provisions of the said Acts hereby repealed, or either of them, may be sued for, and all Offences which may have been committed before the passing of this Act, against the Provisions of the said Acts hereby repealed, or either of them, may be prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

nor prevent  
Recovery of  
Penalties or  
Punishment  
of Offences.

III. And be it further enacted, That from and after the passing of this Act all Persons who now are Proprietors of Shares of and in the said Navigation and Canal, together with such Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time or Times hereafter be or become Proprietors of One or more Share or Shares in the said Canal Navigation and Railway herein-after mentioned, shall be and they are hereby united into, and they, their several and respective Successors, Executors,

Company  
incorpor-  
ated.



Executors, Administrators, and Assigns, Proprietors for the Time being of any Share or Shares of and in the said Navigation and Canal, shall for ever remain a Company for the better carrying on and maintaining the said Navigation and Canal, with the Works and Appurtenances thereto respectively belonging, and also for making and maintaining the Railway or Railways herein-after authorized to be made, and the Works to be connected therewith, according to the Rules, Orders, and Directions herein-after contained, and for that Purpose shall be One Body Corporate by the Name and Style of "The Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway," 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 shall have full Power to purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have Power to sell and dispose of any Lands, Tenements, and Hereditaments hereby vested in them, or to be hereafter purchased or taken by them in manner directed by this Act.

The Canal, Real and Personal Estate, Debts, Contracts, and Limitations of the late Company of Proprietors vested in the Company hereby established.

IV. And be it further enacted, That from and after the passing of this Act the said Canal Navigation from *Manchester* to *Bolton* and to *Bury*, with all the Works and Conveniences thereto belonging, and also all and every the Warehouses, Buildings, Wharfs, Lands, and Hereditaments whatsoever which at the Time of the passing of this Act are or were in anywise vested in and belonging to the said Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury*, and all the Monies, Goods, Chattels, Effects, and Personal Estate of the said Company of Proprietors, shall be and the same are hereby vested in the said Company of Proprietors hereby incorporated; and all Persons, and Bodies Politic and Corporate, who at the Time of passing of this Act shall owe any Sum of Money to the said Company of Proprietors, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company hereby incorporated; and all Debts which at the Time of the passing of this Act shall be due and owing by the said Company of Proprietors, or any Person or Persons on their Behalf, shall be paid, together with all Interest (if any) due and to accrue due for the same, by the said Company hereby incorporated; and all Rates, Tolls, and Duties which at the Time of the passing of this Act shall be due and payable, or then accruing due and payable, under and by virtue of the said Acts hereby repealed, or either of them, to the Company of Proprietors of the said Canal Navigation, shall become and be due and payable to the said Company of Proprietors hereby incorporated, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates, Tolls, or Duties by this Act made payable to the said Company of Proprietors hereby incorporated; and all Conveyances, Contracts, Agreements, Bonds, Covenants, and Securities made or entered into before the passing of this Act, to, with, in favour of, or by or for the said Company of Proprietors, shall be and remain as good, valid, and effectual, in favour of, against, or with reference to the said Company of Proprietors hereby incorporated, and may be proceeded in and enforced in the same Manner, to all Intents and Purposes, as if the said last-named Company of Proprietors had had



had been Parties to and had executed the same, or had been named or referred to therein, instead of the said Company of Proprietors.

V. And whereas certain Lands, Tenements, or other Hereditaments have been taken, leased, or purchased, in consideration of certain perpetual or other Rents or annual Sums of Money to be paid by the Company of Proprietors of the said Navigation, or certain Trustees on their Behalf: And whereas it may be convenient to the said Company to purchase such perpetual Rents or annual Sums; be it therefore further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to purchase such Rents or annual Sums, or any of them, from any Person or Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, who may be entitled to and willing to sell the same; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Trustees, and all other Persons whomsoever, to sell and release to the said Company and their Successors any perpetual or other Rents or annual Sums, in the same Manner, and subject to such and the same Rules, Regulations, and Restrictions, as are herein-after directed and contained relative to the Purchase of Lands and Hereditaments to be taken or used for the Purpose of making the Railway hereby authorized to be made.

Company empowered to redeem Rents granted under former Acts.

VI. And be it further enacted, That until the perpetual or other Rents or annual Sums now payable by the said Company of Proprietors, or any Trustees on their Behalf, shall be purchased as aforesaid, the same shall be paid by the said Company; and in case of Nonpayment thereof within Thirty-one Days after the same shall respectively become due and be demanded, shall be recoverable by such Ways and Means as are herein-after mentioned with regard to the Interest of Money which the said Company are herein-after authorized to borrow.

Rents to continue payable till redeemed.

VII. And be it further enacted, That the Capital of the said Company, consisting of the said Canal Navigation and Works, and all other the Real and Personal Estates and Effects of the said Company of Proprietors hereby incorporated, shall be considered as divided into Four hundred and seventy-seven Shares, in the same Manner as the Capital of the said Canal Navigation from *Manchester* to *Bolton* and *Bury* is divided at the Time of the passing of this Act; and the Person or Persons who is or are at the Time of the passing this Act the Proprietor or Proprietors of One or more Share or Shares in the said Canal Navigation and Works established by the said recited Acts hereby repealed, or either of them, shall be entitled to the like Share or Shares in the Capital of the said Company hereby incorporated, and the said Share or Shares in the Capital of the said Company shall be and are hereby vested in the said Proprietor or Proprietors as aforesaid, in the Manner and Form aforesaid, for the Benefit of the same Person or Persons, and upon the same Trusts, for the same Intents and Purposes, and with, under, and subject to the same Powers and Provisions respectively as the Shares so held by him, her, or them respectively in the said Canal Navigation and Works were held upon, for, and subject to at the Time of the passing of this Act; and all Bodies Politic, Corporate, and Collegiate, and all other Persons, who shall be in possession of or entitled to One or more Share or Shares in the Capital of the said Company, and their respective Successors, Executors,

Capital of the Company and Number of Shares.

[*Local.*]

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Administrators,



Administrators, and Assigns, shall be entitled to and shall be subject to such Reservation as is hereinafter mentioned, receive, at such Times as the Committee of the said Company shall direct or appoint, the entire and net Distribution of a proportionable Part of the net Profits and Advantages that shall or may arise or accrue by the Rates, Tolls, and Duties and other Sum and Sums of Money to be raised, recovered, or received by the said Company by the Authority of this or any other Act, according to the Number of Shares so by them respectively possessed.

Shares to be  
Personal  
Estate.

VIII. And be it further enacted, That all Shares in the said Capital, and in the Works, Rates, and Property of the said Company, shall henceforth be and be deemed to be Personal Estate, and shall be transmissible accordingly.

Books kept  
under former  
Acts to be  
Evidence.

IX. And be it further enacted, That all the Entries of the Names, Orders, and Proceedings of the Commissioners appointed by or under the Acts hereby repealed, or either of them, and of the Names of the said Proprietors, made in the Books kept pursuant to the said Acts or either of them, and kept by the Clerk of the said Company, shall be deemed Originals, and admitted as Evidence, without further Proof, in all Courts whatsoever; and all other Documents, Instruments, and Writings shall be admissible as Evidence in all Courts whatsoever, in the same Manner and to the same Extent as they would have been if the said Acts hereby repealed had remained in full Force.

Present  
Committees  
to continue  
till removed.

X. And be it further enacted, That the several Persons who at the Time of the passing of this Act shall compose the General Committee of Management of the said Canal Navigation shall respectively continue in the like respective Offices, and be the Committee of Management of the said Company, until they shall be removed therefrom respectively, or until others shall have been elected, nominated, or appointed in their Place or Stead, in pursuance or under the Authority of this Act; and such General Committee respectively shall be invested with and shall and may have and exercise the same Powers and Authorities as if they had respectively been nominated or appointed by virtue of this Act.

Clerks, &c.  
to remain in  
Office till  
removed.

XI. And be it further enacted, That each Clerk, Agent, Collector, and other Officer (except the Treasurer) appointed under and by virtue of or acting under the Authority of the said Acts hereby repealed, or either of them, shall hold or enjoy the like Office or Employment under the said Company, together with his Salary or Emolument thereunto annexed, until he shall be removed therefrom by the said Company, or by the General Committee of Management of the said Company, or by any Subcommittee thereof; and each such Clerk, Agent, or Collector and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever as if he had been appointed by virtue of this Act.

Company  
may raise  
amongst

XII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized, to raise, pay, and contribute amongst themselves, proportionably and rateably according to their several



several Shares in the said Company, any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and four thousand Pounds; and that it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any General or Special Meeting to be held or convened in the Manner and agreeably to the Directions contained in this Act, or for their Committee for the Time being, from Time to Time to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Company, in order to raise the said Sum of Two hundred and four thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned; and that the Money so to be raised shall be applied to defray the Expences of applying for and passing this Act, and all Expences relating thereto, and then in maintaining, finishing, and completing the said Railway and Works in such Manner as such General and Special Meeting or Committee from Time to Time shall judge necessary; so that no One Call shall exceed the Sum of Ten Pounds for each Share in the said Navigation; and no Call to be made at a less Distance than Three Calendar Months from each other; which Money so called for shall be paid to such Person or Persons and in such Manner as the said General or Special Meeting or Committee shall from Time to Time appoint and direct; and all and every Owners and Owner of One or more Share or Shares in the said Company shall pay his, her, and their Share and Shares or Proportion of the Monies to be called for as aforesaid at such Time and Place and in such Manner as shall be appointed as aforesaid, and of which Time and Place Thirty Days Notice shall be given by publishing the same in some Two or more Newspapers published or usually circulated in the said County of *Lancaster*, or in any other Manner, as the said Company of Proprietors shall at any General or Special Meeting direct or appoint; and such Sum or Sums of Money as shall be paid in respect of every Share in the said Company shall be and the same is and are hereby declared to be consolidated with every such Share, and shall entitle the respective Owners thereof to a proportionably increased Share of the Profits and Advantages of the said Company; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Person's Estate and Effects.

themselves  
the Sum of  
204,000*l.*

XIII. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Company, and who shall not have given Notice in manner in this Act directed of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Six Calendar Months after such Call or Calls shall have been made and published as aforesaid, then and in such Case all and every the Share and Shares of such Person or Persons so refusing or neglecting as aforesaid shall be vested in the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to and for

Manner of  
enforcing  
Payment on  
Calls.



for the Uses and Purposes hereinafter mentioned : Provided always, that no Share or Shares of and in the said Company shall vest in or accrue to the said Company until Notice in Writing thereof be given by the Treasurer, or by One of the Clerks of the said Company, to the Owner or Owners of or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Thirty Days at the least before such accruer shall take place, or until Notice be published Three Times in the *London Gazette*, and in Two Newspapers published or usually circulated in the said County of *Lancaster*, and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls in respect of his, her, or their Share or Shares in the said Company; and that such Share or Shares shall not be vested in the said Company, if the Owner or Owners thereof, or such Person or Persons, shall pay up what shall appear by such Statements to be due, together with Interest on the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any thing contained in the said recited Act or this Act to the contrary notwithstanding.

Company  
empowered  
to sell Shares  
that shall  
become  
vested in  
them by De-  
fault of the  
Owners not  
paying the  
Calls  
thereon.

XIV. And be it further enacted, That when any Share or Shares of the said Company shall by virtue of this Act have become vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby empowered, to authorize and direct the Law Clerk or Clerks for the Time being to the said Company to sell by Public Auction to the best Bidder, at such Time and Place as the said Company or their Committee shall direct, of which Sale Twenty Days Notice at the least shall be given by publishing the same in the *London Gazette*, and in Two Newspapers published or usually circulated in the said County of *Lancaster*; and it shall be lawful for the said Company of Proprietors or their Committee to assign and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares as the said Company or their Committee shall from Time to Time find necessary and direct, in order to make good the Deficiency or Deficiencies of such Defaulter or Defaulters who shall not pay his, her, or their Call or Calls, pursuant to the Directions of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators, and Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares; and such Assignment and Transfer shall be good, valid, and effectual against the Owner and Owners of every such Share or Shares so vested in the said Company, and sold as aforesaid, and all Persons claiming under him, her, or them: Provided also, that in case the Money produced by Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided always, that no such Share or Shares be sold or advertised for Sale until the Expiration of One Calendar Month next after Notice in Writing shall have been given by the Treasurer or One of the Clerks to the said Company, to the Owner or

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Owners



Owners thereof, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of the giving such Notice stand registered in the Books of the said Company, or left at his, her; or their Dwelling, House or usual or last known Place of Abode, or until Notice shall have been published Three Times in the *London Gazette*, and in Two Newspapers published or usually circulated in the said County of *Lancaster* as aforesaid, in which Notice shall be contained a Statement and Account how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls in respect of his, her, or their Share or Shares in the said Company: Provided also, that the said Company of Proprietors or their Committee shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears of Calls of such Defaulter or Defaulters, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly made.

XV. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall, within Six Calendar Months next after the passing of this Act, give Notice in Writing to the Treasurer or Law Clerk of the said Company of his, her, or their Intention of relinquishing any such Share, then and in such Case such Share shall not be forfeited, or vested in the said Company, by the Nonpayment of any Call, but such Shares shall within One Calendar Month after such Notice be sold by Public Auction to the highest Bidder in manner aforesaid; and the Monies arising from such Sale, after deducting the necessary Charges and Expences attending the same, and the Arrears of Calls before that Time made, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

Shares may be relinquished, and sold, after Notice.

XVI. Provided likewise, and it is hereby further enacted and declared, That nothing in this Act contained shall empower the said Company of Proprietors to sue for any Call or Calls for Money directed to be made by virtue of this Act, or to forfeit or declare forfeited any Share or Shares on Nonpayment of any such Call or Calls, or in any Manner to recover or enforce Payment of the same other than by selling such and so many of the Shares of the said respective Proprietors as shall be necessary, for the Purposes, and under the Regulations, and according to the Tenor, true Intent, and Meaning of the present Act; any thing in this Act contained to the contrary notwithstanding.

The Company not to sue for Calls, or forfeit Shares other than necessary.

XVII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to borrow and take up, at Interest, from any Person or Persons, upon Mortgage of the Rates authorized to be collected by virtue of this Act, the said Sum of Two hundred and four thousand

Power to raise Money by Mortgage.

[Local.]

13 R

Pounds,



Pounds, or so much thereof as to them shall seem meet and convenient; and the said Company of Proprietors or their Committee for the Time being, after any Order of any General or Special Meeting of the said Company of Proprietors for that Purpose, shall and they are hereby fully authorized and empowered to assign the Interest and Property of the said Company of Proprietors in the said Canal and Railway and other Works, and the Rates arising or to arise by virtue of this Act, (the Costs and Charges of assigning the same to be paid out of the said Rates,) as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Mortgage, in like Manner and Form, and with, under, and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest to be thereby secured, as are mentioned in and by the said recited Act respecting the borrowing of Money on Mortgage, and the Securities to be made for the same, as fully and effectually to all Intents and Purposes as if the same had been done in pursuance of the said recited Act.

Principal  
and Interest  
how to be  
recovered.

XVIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends which shall become due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall become due or payable as aforesaid, and after Demand made thereof, or in case the Principal Money, or any Part thereof, which shall be borrowed, shall not be paid off and discharged after Six Calendar Months Notice in Writing to the Treasurer or Law Clerk or Clerks to the said Company shall have been given, signed by the Person or Persons requiring such Payment, and who, on Payment thereof and Interest for the same, shall execute it, if thereto requested by the said Company, or by any Person or Persons in their Behalf, an Assignment of the Security or Securities which such Person or Persons shall hold, for such Sum or Sums of Money as shall be required to be paid off as aforesaid, and all his and their Right, Title, and Interest therein and thereto, to the said Company, or to the Person or Persons who shall advance the Money to pay off the same, that then it shall be lawful for Two or more Justices of the Peace acting for the said County Palatine of *Lancaster*, and they are hereby required, on Request to them made by any such Creditor whose Interest shall be so in arrear, or whose Principal Money shall not be paid off and discharged pursuant to such Notice, or by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the said Rates; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest or Principal Money (as the Case may be) then due and unpaid, until the same, together with the Costs and Charges of recovering and receiving the said Rates, shall be fully satisfied and paid; and



and after such Principal, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Principal and Interest shall and may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise the said Sum of Two hundred and four thousand Pounds, or such Part thereof as to them shall seem meet and convenient, by creating new or additional Shares, and disposing of the same to such Person or Persons and at such Price or Prices as the said Company of Proprietors shall from Time to Time think proper; which said new or additional Shares so to be created as aforesaid shall be deemed Personal Estate, and be transmissible as such; and all Persons, Bodies Politic and Corporate, who shall, by themselves or Agents, subscribe for or be admitted as after mentioned to such new Shares, or otherwise become entitled to such new Shares, their several and respective Executors, Administrators, Successors, and Assigns, shall be and they are hereby declared to be the Owners and Proprietors thereof and shall be and they are hereby united to and incorporated with the said Company, and shall from thenceforth be entitled to such and the same Powers, Privileges, Profits, and Advantages, and liable to such and the same Restrictions, Actions, Suits, Penalties, and Forfeitures, as if the same had been originally subscribed for amongst the original Proprietors of the said Company, and as if they had originally made Part of the Shares already created, and now vested in the several and respective Proprietors of the said Company; and the Admission of every Person to such new Shares, by an Order or Resolution of the said Company of Proprietors or the Committee of Management of the said Company elected or to be elected for the Time being under or by virtue of the said recited Act, shall, after the passing of this present Act, be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of Proprietors of the said Purchase Money or Price agreed for the same.

Power to  
raise Money  
by creating  
new Shares.

XX. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons possessed of any Share or Shares in the Capital Stock of the said Company to accept and take any Number of such new Shares hereby created, in proportion and equal in Number to the original Shares holden by such Person or Persons, as he, she, or they shall think proper, within Six Weeks after Notice shall have been given in any Newspaper or Newspapers published or usually circulated in the said County of *Lancaster*, or as the said Company of Proprietors at any General or Special Meeting shall think proper; and in default thereof, after the said Period, any other Person or Persons possessed of any Share or Shares in the said Company, who shall make Application for any such new Shares at the next ensuing General or Special Meeting of the said Company, shall be entitled to any Number of such new Shares at such Rate as shall be fixed pursuant to the Power herein-before given for that Purpose; and in case any such Shares shall remain undisposed of after such last-mentioned General Special Meeting, it shall be lawful for the

Disposition  
of new  
Shares.

said



said Company or the said Committee to sell or dispose of the same to any Person or Persons whomsoever, in such Manner and at such Price or Prices as they shall think proper and expedient.

General Meetings when and where to be held.

XXI. And be it further enacted, That the First General Meeting of the said Company shall be held at *Manchester* within Thirty Days after the Time of the passing of this Act, between the Hours of Twelve and Two in the Afternoon, of which Meeting the Committee of the said Company shall give Ten Days Notice at the least by public Advertisement in some Newspaper published within the County of *Lancaster*; and yearly General Meetings of the said Company shall be held at *Manchester* aforesaid, or at such other Place within Twelve Miles of some Part of the said Navigation or Canal already made, or the Railway to be made as aforesaid, as the General Committee of the said Company shall from Time to Time direct, on the last *Thursday* in the Month of *June* in every Year, at or before the Hour of Twelve of the Clock at Noon, and any other General Meetings may be held at such Times and Places as shall be appointed at any General Meeting; but of all General Meetings not held on one of the aforesaid Days (except Meetings by Adjournment) Seven Days Notice shall be given by public Advertisement, as hereinbefore mentioned; and all the aforesaid Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

General Committee may alter the Time and Place of holding a General Meeting.

XXII. Provided always, and be it further enacted, That it shall be lawful for the General Committee appointed or to be appointed under or by virtue of this Act, in case they shall deem it expedient so to do, to alter the Day and Place which may have been appointed at any General Meeting of the said Company for their next General Meeting, and to appoint such other Day and Place for holding such General Meeting as the said Committee shall judge most proper and convenient, on causing Notice to be inserted in some Newspaper or Newspapers usually circulated in the County of *Lancaster* Fourteen Days at the least previously, as well as of the original Time appointed as also of the altered Time so appointed for the holding of such General Meeting, specifying in such Notice the Day and Place of holding the same.

A General Meeting may be called by the Committee, or by Five or more Proprietors holding 10 Shares.

XXIII. And be it further enacted, That the General Committee of the said Company may at any Time call a Special General Meeting of the Proprietors by Advertisement to be inserted at least Fourteen Days before the Day appointed for holding such Meeting in any Newspaper or Newspapers usually circulated in the County of *Lancaster*, specifying the Day and Place on and at which such Meeting is to be held, and the Objects for which it is called; and any Five or more Proprietors holding in the Aggregate Ten Shares or upwards in the Capital of the said Company may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the Committee of the said Company, or left at his last or usual Place of Abode, require the said Committee to call a Special General Meeting, so as such Requisition express the Objects for which such General Meeting is required to be called; and in case of Neglect or Refusal of the said Committee to call such Meeting for the Space of Twenty-one Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Ten Days Notice thereof in some Newspaper or Newspapers usually



usually circulated in the said County of *Lancaster*, specifying in such Notice the Day and Place of Meeting, and the Objects for which it is called; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

XXIV. Provided always, and be it further enacted, That the Notices hereby directed to be given of any General Meeting of Proprietors shall, in Cases not otherwise provided for, be signed by the Clerk to the said Company, and shall be given by Advertisements to be inserted in some Newspaper usually printed or circulated in the County of *Lancaster*. Notices of General Meetings.

XXV. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present or by Proxy who shall be possessed of or entitled to at least One hundred and fifty Shares in the Capital of the said Company, within Two Hours from the Time appointed for such Meeting, no Business shall be done or transacted at that Time, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days, and if a sufficient Number of Proprietors shall not then attend, the General Meeting shall stand adjourned to that Day in the Month next following, and so from Time to Time as often as the same shall occur, until at any such Meeting there shall be a sufficient Number of Proprietors present as aforesaid, when the Meeting shall proceed to Business, and not before; and in case of failure of assembling a sufficient Number of Proprietors at such First General Meeting as aforesaid, every Proprietor who shall not attend such Second Meeting shall forfeit to the said Company, for every Share which he, she, or they shall possess in the Capital of the said Company, the Sum of Ten Shillings, unless such Proprietor shall have a sufficient Excuse for his or her Non-attendance as aforesaid, to be judged of by the Chairman of such Meeting, such Sum of Ten Shillings to be deducted out of his or her next succeeding Payment of Dividends; and in case no Dividend shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act. Number of Proprietors to be present at General Meetings.

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

XXVII. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall be for the Time being in the actual Possession of One or more Share or Shares in the Capital of the said Company, shall be deemed Proprietors of such Shares respectively; and every Proprietor of One or more Share or Shares shall have One Votes at General Meetings.



Vote in respect of each such Share in the General Meetings of the Company to be held as aforesaid, and Votes may be given at the said General Meetings by the Proprietors, either in Person, or by Proxy duly constituted by some Writing under the Hand or Hands of the Person or Persons appointing the same, or if appointed by a Corporation, under their Common Seal; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if the Proprietor constituting the same had voted in Person; and all Appointments of Proxies for the Purpose of voting at any General Meeting to be held under the said Acts hereby repealed, or either of them, shall, until the same shall be respectively revoked, remain in full Force, for the Purpose of enabling the Proxies to vote at the General Meetings to be held under this Act, as fully and effectually as if the Proprietors appointing the same respectively had appointed the same under the Powers of this Act; and every Election, Question, Matter, and Thing whatsoever, which shall or may be proposed, discussed, or considered in any Stated or Special General Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes at such Meeting, either present or represented by Proxy; but nothing herein contained shall hinder or prevent the reckoning the full Number of Shares of which any Proprietor, who or whose Proxy may attend any General Meeting or Assembly, may be possessed, for the Purpose of ascertaining the Number of Shares or Proprietors present or represented, or which are required to constitute a General Meeting according to the Directions and Provisions of this Act.

How joint Proprietors are to vote.

XXVIII. Provided always, and be it further enacted, That where any Share in the said Capital shall be held by Two or more Persons as joint Proprietors, the Proprietor whose Name shall stand first on the Books of the said Company in respect of such joint Share shall alone be entitled to vote in Person or by Proxy at any General Meeting.

Incapacitated Persons may vote by their Committees and Guardians.

XXIX. Provided always, and be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be an Idiot, Lunatic, or a Person of unsound Mind, or a Minor, he or she may vote at any General Meeting by the Committee of his or her Estate, or any One of such Committee, if more than One, or his or her Guardian or Guardians, or any One of such Guardians, if more than One, as the Case may be, and that without Prejudice to the Right of any such Committee or Guardian to vote in respect of his or her own Share or Shares (if any) in the said Capital.

Form of Appointment of Proxy.

XXX. And be it further enacted, That the Appointment of every Proxy to vote under or by virtue of this Act shall and may be made in the following Form, or to the Effect following; (that is to say,)

‘ I, \_\_\_\_\_ Proprietor [or Committee or Guardian of  
 ‘ \_\_\_\_\_, a Proprietor] of \_\_\_\_\_ Shares  
 ‘ in the *Manchester, Bolton, and Bury* Canal Navigation and Railway, do  
 ‘ hereby nominate, constitute, and appoint \_\_\_\_\_ to be my  
 ‘ Proxy [or Proxy of the said \_\_\_\_\_], in my [or his or  
 ‘ her] Name and in my [or his or her] Absence to vote and give my  
 ‘ [or his or her] Assent or Dissent to any Business, Matter, or Thing  
 ‘ relating to the said Navigation and Railway which shall be mentioned  
 ‘ or proposed at any Meeting of the said Company of Proprietors, or  
 ‘ any



any Adjournment thereof, until I [or the said  
shall revoke this Appointment by Notice in Writing to the Clerk or  
Clerks of the said Company. In witness whereof I have hereunto set  
my Hand this Day of

And every such Appointment shall be produced to the Clerk of the said Company of Proprietors, and entered in a Book to be kept by him or them for that Purpose, before any Vote shall be given in respect of such Appointment; for which Entry the Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

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

Chairman to be appointed, and to have the casting Vote.

XXXII. And be it further enacted, That the said Company shall at their First General Meeting, and thereafter at their General Meetings, when necessary, or when they shall think proper, choose and elect Eleven Persons, respectively Proprietors of Two or more Shares in the said Company, as a General Committee to manage the Affairs of the said Company, and may remove any such Person or Persons, and, in the Removal or Death or Resignation of any of them, elect other Persons in the Place of them or any of them, as and when they shall think proper; and the said Company of Proprietors shall and may from Time to Time, at their said General Meetings, order and direct such Allowance and Compensation to be made out of the Rates and other Income of the said Company, to the respective Members of the said General Committee, for their Trouble, Loss of Time, and Expences in the Execution of the Duties of their said Office, as the said General Meetings shall think proper and reasonable.

General Committee to be appointed.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Company at any General Meeting, or at any Adjournment thereof, to nominate and appoint a Treasurer or Treasurers, and also a Law Clerk and Clerks to the said Company, or such other Officers as they shall think proper, with such Salary or Salaries, or Remuneration, as shall to the said Company seem proper; and the said Company shall take sufficient Security from every Treasurer, Receiver, Collector, or other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and the said Company are hereby authorized, from Time to Time, at any General Meeting or any Adjournment thereof, to remove any such Treasurer or Treasurers, Law Clerk, Receiver, Collector, or any other Officer, or any of them, and to elect others or another in their or his Stead or Room; and such Law Clerk shall attend the General Meetings of the said Company and the Meetings of the said Committee; and the said Company are hereby authorized to delegate to the said Committee, the appointing and Removal of such others (except the Treasurer, Law Clerk, and Clerk,) as they shall think proper.

General Meetings to appoint Officers.

XXXIV. And



General Meetings may audit Accounts.

XXXIV. And be it further enacted, That every such General Meeting as aforesaid shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Canal Navigation and Railway by the Treasurer, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them, in and about the said Navigation and Railway, and the Works belonging or to belong thereto.

General Meetings may make Bye Laws, &c.

XXXV. And be it further enacted, That the said General Meetings shall have full Power to superintend, regulate, and controul all the Affairs and Concerns of the said Company, and to make such Rules, Bye Laws, and Orders as to them shall seem right and proper, for the good Government of the said Company, their Agents and Servants, and for making, maintaining, using, and managing the said Navigation and Canal already made, and the said Railway to be made as aforesaid, and all Works belonging or to belong thereto, in all respects whatever, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meeting shall seem meet, not exceeding the Sum of Five Pounds for any such Offence, such Fines and Forfeitures to be levied and recoverable by such Ways and Means as herein-after mentioned; which said Bye Laws, being reduced into Writing under the Common Seal of the said Company, and printed and painted and published on Boards, shall be hung up and affixed and continued on the Front of the several Toll Houses erected and to be erected on the Line of the said Navigation and Railway, and shall from Time to Time be removed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Orders, and Bye Laws shall be binding upon and observed by all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner hereinafter mentioned.

Power and Duties of Committee.

XXXVI. And be it further enacted, That the said General Committee shall meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and at all Meetings of the said Committee One of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Lands, Messuages, Tenements, or other Hereditaments, and Materials for the Use of the said Company, as employing, ordering, and directing the Works and Workmen, and in appointing and displacing such Officers, Clerks, Servants, Agents, and Workmen as they shall be authorized to appoint or displace by any General Meeting, and in allowing them such Salaries as they shall think proper, and in making all Contracts and Bargains touching the said Canal, Railway, and Works; and

no



no Member of the said Committee (although he may be a Proprietor of many Shares in the said Capital) shall have more than One Vote in any Committee, except the Chairman of such Meeting, who in case of an equal Division shall always have a second or casting Vote, although he may have given One Vote before; and the said Committee shall, by themselves or their Clerk or Clerks, Agent or Agents, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of the said Company from any Collector or Collectors of the said Rates and Tolls, or other Officer or Officers, or from any other Person or Persons whomsoever employed by and on behalf or having any Concerns, Dealings, or Transactions with the said Company; and shall regularly, by themselves or their Clerk or Clerks, Agent or Agents, write, insert, and enter, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of every such Contract, Bargain, Receipt, and Disbursement, and also an Account of the Capital of the said Company, and the Names and Places of Abode of the several Proprietors for the Time being, and their respective Shares in the said Capital; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that the said Committee shall at all Times, upon the Requisition in that Behalf of any Five or more of the Proprietors holding in their own Right, in the Aggregate, not less than Twenty Shares, in the Capital of the said Company, direct any of such Proprietors making such Requisition to have free Access to such Book or Books at seasonable and convenient Hours, for his or their Inspection, without paying any thing for the same.

XXXVII. And be it further enacted, That every Person who shall hold any Place of Profit under or any Contract with the said Company, or be in any Manner interested or concerned, directly or indirectly, in any such Contract (otherwise than as a Proprietor of a Share or Shares in the Capital of the said Company), or in supplying any Articles or Materials for the Use of the said Company (unless gratuitously), shall cease to be a Member of the said Committee of Management during the Time that he shall hold the same or be so interested or concerned; and in case any Person holding any Place of Profit under or any Contract with the said Company, or being in any Manner interested or concerned as aforesaid, shall vote or attempt to vote at any such Meeting of the said Committee of Management, then and in every such Case every Person so offending shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and one Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Company, to be applied for the Purposes of this Act; and no Person shall be capable of taking any Office of Profit or any Contract under the said Company during the Time he shall be a Member of such Committee.

Members of  
Committee  
not to be  
interested  
in Contracts.



Committee  
to be under  
the Controul  
of the  
General  
Meetings.

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

Continuance  
in Office of  
Committee-  
men.

XXXIX. And be it further enacted, That each Member of the General Committee shall remain in Office till Death or Resignation, or until he shall become disqualified as aforesaid, or until he shall be removed by a General Meeting, or another Person shall be appointed in his Place.

Power to  
General  
Committee  
to appoint  
Sub-Com-  
mittees.

XL. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint out of their own Body a Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Three or more Members of the General Committee), who shall have full Power and Authority to enter into and make any such Contracts or Agreements as aforesaid on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to intrust to the Care and Management of any such Sub-Committee; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee, or to remove and displace any Member thereof, and to appoint some other in his Place and Stead, when and so often as such Committee shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes for which they shall have been so appointed; and all Powers and Authorities hereby vested or which shall by the said Committee be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present being not less than Three; and at all Meetings of such Committees respectively one of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes; and the President or Chairman shall have the casting Vote, in case of an equal Division, although he may have given One Vote before.

Power to  
Committee  
or General  
Committee  
to appoint a  
temporary  
Treasurer  
or Clerk.

XLI. And be it further enacted, That in case any Treasurer or Law 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 any General Meeting, or for the Committee of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Committee the same shall only continue until the next General Meeting of the said Proprietors, when the Appointment of such



such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the Proprietors at such General Meeting shall think proper.

XLII. And be it further enacted, That the Orders and Proceedings of every General Meeting of the said Company, and of every Meeting of the General Committee, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting, and such Orders and Proceedings, when so entered and signed, shall be 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.

Minutes of Orders and Proceedings to be kept, and to be Evidence.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for any General Meeting or Committee of the said Company to appoint the Person appointed or who may be appointed to act as their Law Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be Treasurer or One of the Treasurers for the Purposes of this Act, or to appoint the Person appointed or who may be appointed Treasurer or One of the Treasurers, or the Partner of any such Treasurer, or any Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Law Clerk of the said Company; and if any Person shall act in both Capacities of Law Clerk and Treasurer or One of the Treasurers, for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of any other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer or One of the Treasurers, or as Deputy of any such Treasurer, or in any Manner officiate for any such Treasurer, or being the Partner of any such Treasurer or the Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, shall act as Law Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer or One of the Treasurers, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together 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, or more than One Imparlance, shall be allowed.

The same Person not to be Clerk and Treasurer.

XLIV. 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 General Committee of the said Company, or any Person on their Behalf, make out and deliver to the said Committee, or to such Person or Persons as they shall 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 collected, had, or received for or on behalf of the said Company, and how, and

Officers to account.

to



to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with his or her 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 such Person or Persons as the said Committee 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 Committee, or such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Committee or such other Person or Persons as last mentioned, 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 Company or any Person in their Behalf, to any Justice of the Peace for the County in which such Officer or Person shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Committee 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 Witnesses, 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, on 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 such Officer or Person 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 any of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction for such County, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating to such Accounts, and shall have paid all the Money which shall be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money, and which Composition the Committee of the said Company are hereby empowered to make, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient  
Distress



Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XLV. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock-keeper, Gatekeeper, or other Servant of the said Company, occupying any House, Offices, or Buildings belonging to the said Company, without paying Rent for the same, shall be discharged from his Office by or by the Order of the said Company, or the Committee of the said Company, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Company in his Custody, Power, or Possession, within Twenty-one Days after Notice of such Discharge shall have been given him, or left at such House, Offices, or Buildings, or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock-keeper, Gatekeeper, or other Servant who shall happen to die while in the Service of the said Company shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company in his, her, or their Custody, Power, or Possession, within Twenty-one Days after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County or Place where such House, Offices, and Buildings shall be, and he is hereby required, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Daytime, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said Company which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters, and Things found therein, belonging to the said Company, to the new appointed Agent, Toll Collector, Wharfinger, Lock-keeper, Gatekeeper, or other Servant, or to such other Person or Persons as the said Company or their Committee shall appoint to receive the same.

Officers, &c. to give Possession when removed.

XLVI. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of any Share or Shares in the Capital of the said Company to sell and dispose of the same respectively, subject to the Rules and Conditions herein mentioned and provided; and every such Transfer shall be in the following Form, or in some Form to the like Effect:

Shares may be sold.

‘ I of \_\_\_\_\_ of \_\_\_\_\_ in consideration  
 ‘ of \_\_\_\_\_ paid to me by \_\_\_\_\_, do hereby  
 ‘ bargain, sell, assign, and transfer to the said \_\_\_\_\_ Share or  
 ‘ Shares in the *Manchester, Bolton, and Bury* Canal Navigation and Rail-  
 ‘ way, to hold the same unto the said \_\_\_\_\_, his [or her]  
 ‘ Executors, Administrators, and Assigns. As witness my Hand and  
 ‘ Seal the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
 ‘ Lord \_\_\_\_\_

Form of Transfer.

[Local.]

13 U

And



And on every such Transfer the Deed by which the same shall be effected shall, after the Execution thereof by the Party making the Transfer, be produced to the Clerk to the said Company, who shall enter, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer, and indorse a Memorandum of such Entry on the Deed of Transfer, for which Memorial and Indorsement there shall be paid to the Clerk the Sum of Two Shillings and Sixpence for each Share transferred, and no more, and the said Clerk is hereby required to make such Entry and Indorsement accordingly; and until such Memorial shall have been made and entered as above directed, the Party to whom the Transfer shall have been made shall not be entitled to receive any Dividend in respect of the Share or Shares so transferred, or to vote in respect thereof at any General Meeting.

Regulations  
as to Ac-  
quisition of  
Shares on  
Deaths or  
Marriages of  
Proprietors.

XLVII. And whereas by the Marriage or Death of Proprietors of Shares in the Capital of the said Company 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 or Persons who shall claim any Part of the Profits of the said Company in Right of Marriage shall be entitled to receive the same, or to vote in respect of any Share or Shares, an Affidavit, or, in case of a Person being of the Society called *Quakers*, a solemn Affirmation, in Writing, containing a Copy of the Register of such Marriage and other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person, before a Master or a Master Extraordinary in Chancery, or some Justice of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person or Persons who shall claim any Part of the Profits of the said Canal Navigation and Railway, by virtue of any Bequest or Will or of any Administration, shall be entitled to receive the same, or to vote in respect of any Share or Shares, the Probate of the said Will 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 or Shares of the Testator, or a Copy of such Letters of Administration, in case of Intestacy, shall be made and sworn or solemnly affirmed to by the Executor or Executors, or Administrator or Administrators, before a Master or a Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk; and in case of a Will, the said Affidavit or Affirmation shall state in what Court, when, and by whom the same was proved; and the said Clerk shall file all such Affidavits or Affirmations, and enter the same, as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the Capital of the said Company shall pass from the Proprietor or Proprietors thereof to any Person or Persons, by any other legal Means than by a Transfer thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed to by some credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit



or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Company.

XLVIII. And be it further enacted, That in all Cases where any Share or Shares in the Capital of the said Company shall be held by any Person or Persons in Trust for any other Person or Persons, or for himself, herself, or themselves jointly with any other Person or Persons, the Receipt of such Trustee or Trustees, his, her, or their Executors, Administrators, or Assigns, shall, notwithstanding any equitable Claim or Demand whatsoever of any Person or Persons beneficially entitled to such Share or Shares, or to any Interest therein, be a good and sufficient Discharge for the Money which may become payable under the Provisions of this Act for or in respect of such Share or Shares, and shall discharge the Company from all Obligation of seeing to its Application, or being answerable for its Misapplication; and the Trustee or Trustees, his, her or their Heirs, Executors, and Administrators, shall be liable to all Claims and Demands whatsoever in respect of such Share or Shares; and such Trustee or Trustees shall, for the Purpose of attending and voting at the General Meetings, and for all other the Purposes of this Act, be considered as the Proprietor or Proprietors of such Share or Shares for his or their own absolute Benefit.

Trustees of Shares to have Power of giving Receipts.

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

Receipts of Fathers or Guardians to be sufficient.

L. And be it further enacted, That from and immediately after the Expiration of Six Calendar Months next after the passing of this Act the said Company of Proprietors shall be and are hereby authorized, by themselves, their Deputies, Agents, Officers, Engineers, Servants, and Workmen, to fill or stop up, drain and make dry, so much of the said Canal Navigation as the said Company of Proprietors shall think fit and proper; and to make, complete, and maintain, in, upon, or near the Site thereof or such Part thereof as shall be filled or stopped up, drained or made dry as aforesaid, in such Manner as the said Company of Proprietors shall think most convenient, a Railway or Railways, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons and other Carriages, properly constructed, commencing from the said River *Irwell* at the present Junction of the said Canal Navigation therewith in the said Township of *Salford*, and extending to and passing through or into the said several Parishes of *Manchester*, *Eccles*, and *Prestwich-cum-Oldham*, *Bolton-le-Moors*, *Radcliffe*, *Middleton*, and *Bury*, and also extending to or passing through or into the several Townships, Hamlets, and Places of *Salford*, *Pendleton*, *Pendlebury*, *Clifton*, *Prestwich*, *Pilkington*, *Kearsley*, *Farnworth*, *Little Lever*, *Darcey Lever*, *Great Lever*, *Tonge-with-Haulgh*, *Little Bolton*, *Great Bolton*, *Radcliffe*, *Ainsworth*, *Elton*, and *Bury* in the said County of *Lancaster*, or some of them, and terminating at or near the said Bridge called *Church Bridge* at the Town of *Bolton*, and also at

Power to fill up the Canal and make a Railway.

or



or near the said Bridge called *Bury Bridge* at the Town of *Bury* aforesaid; and to make and complete a collateral Branch to lead from and out of the said intended Railway, commencing at or near *Clifton Aqueduct*, and extending to or passing through the Township of *Clifton* in the Parish of *Eccles*, and through the Townships of *Kearsley* and *Farnworth* in the Parish of *Dean*; and also to make and maintain all such Inclined Planes on such Parts of the said Railway and Branch respectively as to the said Company may seem expedient, and to erect or use stationary or other Engines for the Purposes aforesaid.

Company to maintain Canal until stopped up.

LI. And be it further enacted, That the said Company of Proprietors shall be and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, by themselves, their respective Deputies, Agents, Officers, Workmen, and Servants, to maintain and support so much as shall not be filled, stopped up, drained, or made dry, by virtue of this Act, of the Canal made as aforesaid under or by Authority of the said Acts hereby repealed or either of them, together with the several Buildings, Erections, Locks, Quays, Wharfs, Reservoirs, Tunnels, Culverts, Weirs, Basins, Bridges, Cuts, Feeders, Drains, Soughs, Engines, and other Works belonging thereto, and to make, construct, erect, sink, and drive all such and so many other Buildings, Erections, Quays, Wharfs, Tunnels, Culverts, Weirs, Bridges, Cuts, Feeders, Drains, Soughs, and other Works as the said Company shall think expedient, for repairing, maintaining, and supporting the said Canal, with the Reservoirs and Appurtenances belonging thereto, and for the full Use and Enjoyment thereof, and for supplying the same with Water.

Canal between Bury and Bolton to be kept open.

LII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Company of Proprietors to abandon, fill up, destroy, or obstruct such Part of the said Canal as extends from *Bury* to *Bolton*, and which constitutes the Summit Level of the said Canal; but the said Company shall from Time to Time and at all Times for ever hereafter keep the same open and in good Repair, and fit for the Purposes of Navigation.

Plan and Book of Reference.

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

LIV. And



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

Not to deviate more than 100 Yards.

LV. Provided always, and be it further enacted, That such Deviations shall not exceed more than Eight Yards within the Limits of the various Bleaching Grounds and Paper Works belonging to the Earl of *Bradford* within the said Township of *Tonge-with-Haulgh* without the Consent of the said Earl, his Heirs, and Assigns, and his or their Lessees for the Time being.

As to Deviations in *Tonge-with-Haulgh*.

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

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

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

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

LVIII. And whereas the King's most Excellent Majesty, in right of his Duchy of *Lancaster*, is entitled to certain Lands in the Township of *Salford* within the Manor of *Salford* over which the proposed Railway is intended to pass: And whereas it may be expedient and proper 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

Chancellor and Council of the Duchy of *Lancaster* authorized to sell Lands necessary for such



making Rail-  
way:

such Lands, Buildings, and Hereditaments, belonging to His Majesty in right of his said Duchy as may be necessary to be purchased, taken, or used for the Purpose of making such Railway or other Works as aforesaid; 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 which by the said Company shall be thought necessary to be purchased, taken, or used for the Purposes of this Act, on the Line of the said intended Railway, belonging to His Majesty, or His Heirs and Successors, in right of His said Duchy, at or for such Price or Prices and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and 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 said Majesty, His Heirs and Successors, to grant and convey the same Lands and Hereditaments, 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 invest 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 Her Crown*, or in any other Act to the contrary thereof in anywise 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 so 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 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.

Power to  
enter Lands,  
take Mate-  
rials, and re-  
move Ob-  
structions.

LIX. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person, Body Politic, Corporate, or Collegiate whatsoever, (subject to the Provisions of this Act,) and to survey and take Levels of the same or any Part thereof, and to ascertain, set out, and appropriate, for the Purposes of this Act, such Parts thereof as they are by this Act empowered to take or make use of for making and using the said Railway, and all such other Works, Matters, and Conveniences as are hereby authorized to be made, and there to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, lay, and use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials



or Things which may be dug, raised, or gotten in making the said Railway and other Works, out of the said Lands or Grounds, or out of the Lands or Grounds of any Person, or Body Politic, Corporate, or Collegiate, adjoining to such Railway, which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining the same respectively, according to the true Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, cut, and set up and maintain, in, under, or upon the said Railway or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Cuttings, and Tunnels, for passing under or over any Streets, Houses, or other Buildings, or Erections, also for passing any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams or other Waters, and to alter the Course of or draw off such Water for such Time as may be necessary for completing Bridges or Passages over the same; and also to build, erect, and maintain such and so many Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines or other Machines, and other Works and Ways, Roads and Conveniences, as the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and also, from Time to Time to alter, repair, and amend or discontinue the same or any of them, and to substitute others in their Stead; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining, and repairing the said Railway and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, repair, maintain, and alter any Fences or Passages over, under, or through the said Railway; and also to make, set out, and appoint such Roads and Ways, convenient for hauling or drawing of Waggons or other Carriages passing upon the said Railway, and proper Places for such Waggons and other Carriages to turn, remain, stand, lie, or pass each other, and also such Ways and Roads to communicate with the said Railway, and such other Conveniences as the said Company shall think proper or necessary; and to alter, make, and maintain Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or any Part thereof; and to construct, make, and do all other Acts, Matters, and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction to the Owners or Proprietors of and to all Persons interested in any Lands, Canals, or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do



do by virtue of the Powers hereby given, subject nevertheless to such Provisions and Restrictions as are hereinafter mentioned and contained.

Steam Engines to consume their own Smoke.

LX. And be it further enacted, That every stationary Steam Engine to be erected and set up by the said Company under or by virtue of the Powers of this Act, and every locomotive or moveable Steam Engine that shall at any Time hereafter be used upon the said Railway or any Part thereof, shall be constructed and worked on the Principle and in the Manner the most approved of for the Time being of consuming its own Smoke; and in case the said Company shall use any such stationary Steam Engine that shall not be constructed and worked on the Principle and in the Manner the most approved of for the Time being of consuming its own Smoke, or if the said Company, or any Person, or Body Politic or Corporate, shall at any Time hereafter use or cause to be used upon the said Railway or any Part thereof any locomotive or moveable Steam Engine that shall not be constructed and worked on the Principle and in the Manner the most approved of for the Time being of consuming its own Smoke, the said Company, or such other Person, Body Politic or Corporate, so offending, shall, upon being convicted of the same before any Two or more Justices of the Peace for the said County of *Lancaster*; upon the Oaths, or solemn Affirmations, if Quakers, of Two credible Witnesses, forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds nor less than Five Pounds, to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or of such other Person, Body Politic or Corporate, so offending, together with the Charges of such Distress and Sale, by Warrant under the Hands and Seals of any such Two Justices; which Warrant such Justices are hereby empowered to grant; which Penalty shall go and be paid to the Overseers of the Poor of the Township or Place where the Offence shall be committed, in aid of the Rates for the Relief of the Poor thereof: Provided always, that no such Conviction shall take place unless upon the previous Complaint or Information upon Oath, or solemn Affirmation, if a Quaker, of some Person who previous to such Information shall have given Ten Days Notice to the said Company or their Clerk, or other Person, Body Politic or Corporate, owning or using any such stationary or locomotive or moveable Engine as aforesaid, that the said Complainant considers the same to be a Nuisance affecting the House or Land in his or her Possession or Occupation.

Crossing of Roads.

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

Prescribing Width of the Rails.

LXII. 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.

If Company pull down any Engine House, &c.

LXIII. Provided always, and be it further enacted, That if in the Construction of the said intended Railway the said Company of Proprietors shall deem it necessary to take down or in any Degree to obstruct the free



free Use of any Engine House, Drying House, or other Building within the various Bleaching or Paper Works belonging to the said Earl of *Bradford*, they shall and they are hereby required to erect in lieu thereof such other Engine House, Drying House, or other Building, and to refix all the Machinery necessary thereto, in all respects as fully and complete as the same shall be at the Time when the said Company of Proprietors shall require such Engine House, Drying House, or other Building to be taken down or obstructed, previous to their being so taken down or obstructed, and moreover that the said Company of Proprietors shall fully indemnify the several and respective Occupiers of such Engine House, Drying House, or other Building, for all Stoppage of their Business which shall be occasioned by the displacing and refixing of the aforesaid Machinery until the same shall be complete for use in all respects.

belonging to the Earl of Bradford, another to be erected by them in lieu thereof.

LXIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed or construed to authorize or empower, the said Company to enter upon or deposit any Earth or other Material within any Reservoir, Lodge, or Pond of Water, or Conduit or Feeder to any such Reservoir, Lodge, or Pond of Water, within any of the Bleaching or Paper Works of the said Earl of *Bradford*, his Heirs or Assigns, until they shall have in lieu thereof constructed such other Reservoir, Lodge, or Pond of Water as shall in all respects be equal for Use to the one about to be entered upon or occupied by the said Company.

Company not authorized to deposit Materials in any Reservoir belonging to the Earl of Bradford ;

LXV. And be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed or construed to authorize or empower, the said Company to divert, disturb, or in any Manner to impede any Spring or Springs of Water within the Limits of any of the Bleaching, Paper, or other Works belonging to the said Earl of *Bradford*, his Heirs or Assigns, nor to take up, remove, impede, or alter the Direction of any Pipe, Trough, Sough, or other Conveyance for Water from any such Spring or Springs of Water to any Reservoir, Lodge, or Pond of Water, or to any Engine House or other Building within the Limits of such Works, or from any such Reservoir, Lodge, or Pond of Water to any Engine House or other such Building, or from one Building to another, without replacing and completing such Pipe, Trough, Sough, or other Conveyance for Water in every respect to the reasonable Satisfaction of the respective Occupiers thereof, nor without fully indemnifying every such Occupier for the Loss he may sustain by the taking up, Removal, impeding, or altering the Course of any such Pipe, Trough, Sough, or other Conveyance for Water as aforesaid.

nor to divert Springs belonging to him.

LXVI. And be it further enacted, That the said Company shall and they are hereby required to make and construct a sufficient Roadway across the said intended Railway in the *Raikes* Bleaching Works within the said Township of *Tonge-with-Haulgh*, in such convenient Place as the Occupiers of the said Works shall point out, such Roadway to be at the least Twelve Feet wide, and properly formed with Stones well broken, for the Thickness of Fourteen Inches at the least, and in Length Twenty Feet from each Side of the said intended Railway ; and also one other sufficient Roadway of the like Dimensions across the said intended Railway in the *Haulgh* Papers Works, in such convenient Place as the Occupiers of the said

Company to construct a Roadway across the Railway in the Township of *Tonge-with-Haulgh*.



Works shall require, such Roadways to be formed with an Inclination of not more than One Foot in every Thirty Feet in any Part thereof.

Regulations as to Bridges for carrying the Railway over public Roads.

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

Regulating Ascent of Bridges carrying any public Roads over the Railway.

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

Not to cross Turnpike Roads on a Level.

LXIX. And be it further enacted, That the said Railway shall not be made and carried over any Turnpike Road on the Level thereof, but the same shall be carried over such Turnpike Road, or the said Turnpike Road shall, as Circumstances may require, be carried over the said Railway by means of a Bridge.

Where Railway crosses public Highways on a Level, Company to erect Gates at each Side.

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

In case of Injury to Roads.

LXXI. Provided also, and be it further enacted, That in all Cases where in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Travellers, Passengers or Carriages, or to Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof as convenient



venient for Travellers, Passengers, and Carriages as the Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot be more easily restored, and where the Road cut through, raised, sunk, or passed over shall be a Turnpike Road, the temporary Road shall be so made and the principal Road restored within Six Calendar Months after the Commencement of the Operation, and the Railway, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road.

LXXII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty-two Yards in Breadth, except in such Places where any Branch of or Communication with the same shall fall into or communicate with the main Course of the same, or where it shall be judged necessary for Waggons and other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing the Valleys or Low Grounds, or in Cuttings, or where any fixed Steam or other Engines, Warehouses or other Buildings, Cranes or Weighbeams may be erected, or where any Place or Places may be set or appropriated for the forming of a Wharf or Wharfs, Staith or Staiths, or for the Delivery or Reception of Coal, Merchandize, and Burdens which shall be conveyed on the said Railway, and not above One hundred and fifty Yards in Breadth in any Place except at or near the Termination of the said Lines within the Townships of *Salford, Great Bolton, Little Bolton, and Bury* respectively, and at or near the Communication between the main Line and the Branch respectively, where Places, not exceeding One hundred and fifty Yards in Length by One hundred and fifty Yards in Breadth, may be set out and appropriated for Wharfs, Warehouses, and Buildings, Yards and Conveniences, and also except on Commons, Downs, or Waste Lands, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining to the said Railway.

Breadth of Land to be taken for the Railway.

LXXIII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made, at convenient Distances along the said Railway, passing Places or Turnouts, for the Purpose of enabling Waggons, Carts, and other Carriages drawn along the said Railway to pass each other; and there shall not be fewer than Three such passing Places or Turnouts in each Mile of the said Railway; and the said Company shall and they are hereby required to make convenient Sidings or Shunts for the loading and discharging of Coal and other Goods at all Places where there are already such Conveniences on the said Canal, or as near thereto as may be practicable, when required to do so by the Owner of the adjoining Premises.

Convenient passing Places to be made along the Railway.

LXXIV. And whereas the said Railway is intended to be carried over the River *Irwell* at or near a Weir now erected across the said River for supplying with Water certain Print Works belonging to the Devises under the Will of *Eleanor* Countess of *Wilton* deceased, or their Lessees, situate and being at a Place called *Mount Sion*, in the Parish of *Radcliffe* aforesaid;

Provision as to Bridge over the *Irwell* at the *Mount Sion* Print

be



Works in  
Radcliffe.

be it therefore enacted, That the Bridge for carrying the said Railway over the said River at or near the said Weir, and also over the Sluice or Feeder which conveys the Water from the said Weir to the said Print Works, and all the Works connected with the said Bridge, shall be so made and constructed as that the same shall not, either during the Erection thereof or at any future Period, interfere with, damage, injure, or prejudicially affect the said Weir and Sluice or Feeder, or either of them, or the Wing Walls, Abutments, Sheeting Banks, or other Works or Conveniences of or belonging to or connected with the same respectively, and so as not to obstruct the free Passage of the Water along the Course of the said River and Sluice or Feeder respectively.

Further  
Provisions  
as to the  
said Bridge.

LXXV. And be it further enacted, That not more than One Pier for the Purposes of the said Bridge shall be placed or built in the Bed of the said River, and that no Pier or Obstruction shall be built or made in the Course or Bed of the said Sluice or Feeder, and that the Easterly End of each and every Pier to be built for the Purposes of the said Bridge shall be at least Thirty Yards lower down the said River than the Westerly Ends of the present Wing Walls of the said Weir respectively; and that the said Company hereby incorporated shall erect and build, and for ever keep in good Repair and Condition, a good and substantial Stone Wall, with proper Foundations, on each Side of the said River, extending from the Westerly Ends of the said Wing Walls respectively to and to be connected with the Masonry of the said Bridge so to be built as aforesaid.

An Arch to  
be con-  
structed over  
the Feeder.

LXXVI. And be it further enacted, That the said Company hereby incorporated shall and they are hereby required to make and construct, on the Northerly Side of the said Sluice or Feeder, an Arch or Culvert Twelve Feet wide at the least, with a clear Head Room of Sixteen Feet at the least for the whole Width thereof, if the said Devises under the said Will of the said Countess of *Wilton* shall require the same, so as to afford the Means of Communication between the Land belonging to the said Devises lying on the Easterly and Westerly Sides of the said intended Railway, and also to make a Drain from the said Arch or Culvert to the said Feeder for the Purpose of carrying the Water from the Road to be made through the said Culvert.

Provision as  
to Road to  
Mount Sion  
Print Works.

LXXVII. And be it further enacted, That the said Company hereby incorporated shall and they are required to make and construct the said Railway in such a Manner as to cross the Road now leading from *Radcliffe Bridge* to the said Print Works at *Mount Sion* aforesaid, within Three Feet of the present Level of the said Road; and also to make a convenient Cart Road into the Field lying between the said Road and the River *Irwell* on the Easterly Side of the said Railway, and to erect and at all Times maintain a good and sufficient Gate, and also a Stile for Foot Passengers, on each Side of the said Railway where it shall cross the said Road.

Restrictions  
upon the  
Company  
as to the  
Railway near  
*Agecroft*  
Bridge.

LXXVIII. And be it further enacted, That the said Company in making the said intended Railway shall not deviate or extend more than Ten Yards from the Course or Direction thereof as delineated in the said Map or Plan in that Part of the Line thereof which is situated between *Agecroft Bridge* and the next Bridge but one over which the said Canal is now made to the North of *Agecroft Bridge*, without the previous Consent in



Writing of the adjoining Landholders, and also of *Thomas Drinkwater* of *Irwell House* in the said County of *Lancaster*, Esquire, his Heirs or Assigns, Owners for the Time being of *Irwell House* aforesaid, and of *William Duckworth* of *Pendlebury House*, in the said County of *Lancaster*, Gentleman, his Heirs or Assigns, Owners for the Time being of *Pendlebury House* aforesaid; and that the said Company shall not raise the present Embankment, or make any other higher Embankment in lieu thereof, or make or erect any Buildings, Erections, or Works of any Description, or set up or maintain any fixed Engine upon or adjoining to the Line of the said intended Railway between *Agecroft Bridge* and that Part of the said intended Railway which shall be nearest to *Clifton Hall*, without such previous Consent in Writing as last aforesaid.

LXXIX. And be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed or construed to authorize or empower, the said Company to enter into or upon the Lands or Grounds of the Owners for the Time being of the *Agecroft Hall* Estate and the *Clifton Hall* Estate, for the Purpose of getting Materials, without the previous Consent in Writing of such Owners respectively, except upon such Parts of the same Lands and Grounds respectively as the said Company are by this Act authorized to purchase for the Line of the said Railway.

Not to get  
Materials in  
certain  
Estates,  
without  
Consent.

LXXX. And be it further enacted, That when and so soon as the Embankment for that Part of the Line of the said intended Railway which is situated between *Agecroft Bridge* and the Field marked Number Eleven on the said Map or Plan (being Part of the *Clifton Hall* Estate) shall be formed, the said Company shall cover the Sides thereof with good Soil, of sufficient Depth for the Purpose next hereinafter mentioned, and plant the same in an ornamental Manner with Forest Trees, and keep the same planted, and such Plantations at all Times properly fenced, and from Time to Time pruned and thinned when necessary; and in case the Company shall neglect to make or maintain such Plantation as last aforesaid, it shall be lawful for any One or more of the Owners of Land adjoining the same Embankment, or for the said *Thomas Drinkwater*, his Heirs or Assigns, Owners for the Time being of *Irwell House* aforesaid, or for the said *William Duckworth*, his Heirs or Assigns, Owners for the Time being of *Pendlebury House* aforesaid, at any Time after the Expiration of Six Calendar Months Notice in Writing to be given by him or them to the said Company of such Neglect, requiring the said Company forthwith to remedy the same, and in case the said Company shall not comply with such Notice, to enter into and upon the said Embankment and the Railway over the same, with Workmen, Horses, Carts and Carriages, and to do whatever is hereinbefore required to be done by the said Company which they shall have neglected with respect to the making or maintaining the said Plantations, but so as not to impede the Passage over or upon the said intended Railway, and to recover the Expence to be incurred thereby from the said Company, in like Manner as any Sum of Money to be paid by the said Company as Compensation for Damages under this Act is authorized to be recovered.

Company  
to plant  
Clifton Em-  
bankment.

LXXXI. And whereas the Turnpike Road leading from *Southsea* in *Pendlebury* to *Agecroft Bridge*, maintained and kept in repair by virtue of an Act passed in the Seventh Year of the Reign of His late Majesty

[Local.]

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Regulating  
the rebuild-  
ing of the  
Agecroft  
King  
Bridge.



7 G. 4. c. 138. King George the Fourth, intituled *An Act for more effectually repairing and improving several Roads leading to and from the Town of Salford, through Pendleton and other Places therein mentioned in the County Palatine of Lancaster, and several other Roads therein mentioned, and for making and maintaining certain Diversions or new Lines of Road to communicate therewith*, is now carried over the said Canal by a Bridge, and it is intended, for the Purposes of the said Railway, to take down, alter, raise, and rebuild such Bridge; be it further enacted, That the Bridge for carrying the said Turnpike Road over the said Railway shall be taken down, altered, and rebuilt in a good, firm, and substantial Manner, of Brick, Stone, or Iron, and proper Approaches shall be made thereto, at the Expence of the said Company; and the Ascent of such Bridge and the Approaches thereto shall not in any Part thereof rise more than One Inch in every Yard in Length thereof, and a good and sufficient Fence of not less than Four Feet in Height above the Surface of such Bridge, on each Side of such Bridge, and a good and substantial Road over such Bridge and over the Approaches thereto, shall be made by and at the like Expence; which Bridge and Fence shall at all Times be kept in good and substantial Repair by and at the Expence of the said Company; and such Bridge shall be so constructed as to be in a direct Line with the said Road, and the Width of such Bridge between such Fences and the Width of the Approaches thereto shall not be less than Forty-five Feet.

Company to  
make good  
Damages to  
Streets, &c.  
in Salford.

LXXXII. Provided always, and be it further enacted, That the said Company shall from Time to Time, forthwith and without any Delay, fill in all Breaches and Openings in any of the Streets, Roads, or Ways in the said Townships of *Salford* and *Pendleton*, and make good all Damages done to the said Streets, Roads, and Ways, and the Flaggings and Pavements thereof, and to the Sewers, Soughs, and Drains thereof, which shall be made, caused, or done by the making, carrying on, continuing, maintaining, altering, or repairing the said Railway or other Works of the said Company, or which shall in any other Manner be made, caused, or done by the said Company, and carry away the Rubbish occasioned by such Works, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages, and set up Lamps or Lights at or near the same during the Night, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided also, that if there shall be any wilful or negligent Delay, after Notice in Writing, in the said Company, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling any such Breaches or Openings, or making good any such Damages done to such Streets, Roads, or Ways, or the Flaggings or Pavements thereof, or to such Sewers, Soughs, or Drains, or in removing such Rubbish, or in fencing, guarding, and lighting the Place or Places where any such Breaches or Openings shall be as aforesaid, then and in every such Case it shall be lawful for the Surveyors of the Highways in the said Townships of *Salford* and *Pendleton*, or any Person or Persons acting by or under their Authority, to fill in such Breaches and Openings, and repair and make good all Damages done to the said Streets, and such Flaggings or Pavements thereof, and to such Sewers, Soughs, and Drains, and to remove such Rubbish as aforesaid, and to fence, guard, and light every such Breach



or Opening as aforesaid; and the reasonable Costs and Charges thereof shall be paid by the said Company to the said Surveyors; and in default of Payment thereof for One Calendar Month next after Demand shall be made by the said Surveyors, or by any Person under their Authority, Proof of such Demand being made by Oath, or Affirmation, if a Quaker, of any credible Witness, before One or more Justice or Justices of the Peace for the said County of *Lancaster*, all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty for every Offence in any of the Cases aforesaid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace of the same County, which Warrant such Justice or Justices is and are hereby empowered to grant.

LXXXIII. And be it further enacted, That the said Railway shall cross underneath the Highway or Road in the said Township of *Salford* leading between the *Crescent* and *Pendleton*, and also underneath the Highway or Road in the same Township called *Oldfield Road*, and underneath the High Road in the Township of *Pendleton* called *Ford Lane*; and the said Company shall make and maintain a Bridge of the Width of Forty Feet, and a Culvert or Arch of Two Feet in Width, under and across the said Bridge and Railway; and that the Level of the Surface of any Bridge or Bridges for taking the said Railway under the same Highways or Roads, or either of them, shall not be raised above the present Level of the Surface of the Bridges called *Windsor Bridge*, *Oldfield Road Bridge*, and *Pendleton Bridge*, under which the said Canal now crosses the same several Highways or Roads; nor shall the Approach to the said Bridge called *Windsor Bridge*, on the End thereof towards *Salford*, or any Part thereof, be raised or altered; and that the Level or Surface of the Highway or Road called *Ordsall Lane*, in the said Township of *Salford*, shall not be raised or sunk or altered, nor shall such Railway be carried over such last-mentioned Highway or Road by any Bridge or Bridges; and that if any of the said Bridges by which the said Canal is now carried under the said Highways or Roads, or any of them, shall be altered or rebuilt, or any new or other Bridge or Bridges shall be erected or built for carrying the said Railway under the same Highways or Roads, or any of them, the Regulations aforesaid shall always be observed; and the Ascent of any such Bridge and the Approaches thereto (the Approach on the said *Salford* Side of *Windsor Bridge* being excepted) shall not in any Part thereof rise more than One Foot in every Forty Feet in Length thereof; and a good and sufficient Fence of not less than Five Feet in Height above the Surface of each such Bridge on each Side thereof shall be made and completed at the Expence of the said Company; and all such Bridges which shall be so altered or rebuilt, and every such new or other Bridge that shall be so erected or built, shall be good, firm, and substantial, and shall be of Brick, Stone, or Iron; and the Width of such Bridges between such Fences, and the Width of the Approaches thereto, shall not be of less Width than the present Width of the Bridges underneath which the said Canal now crosses the said Highways or Roads, and of the Approaches thereto; and that all such Bridges as aforesaid, and the Fences on the Sides thereof, shall from Time to Time and at all Times be

Regulations as to the Passage of the Railway through *Salford*, &c. and the Levels of the several Bridges required.



be kept in good and substantial Repair by and at the Expence of the said Company.

Company to make the Branch Railroad herein described before stopping up the Navigation.

LXXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors to stop up or impede the Navigation of the said Canal from *Manchester* to *Bolton* and to *Bury*, or any Part thereof, until the said Company shall at their own Expence have provided, made, and completed, or cause to be provided, made, and completed, so much of the said collateral Branch Railway hereby authorized to be made, commencing at or near *Clifton Aqueduct*, and extending to or passing through the Township of *Clifton* in the Parish of *Eccles*, and through the Townships of *Kearsley* and *Farnworth* in the Parish of *Dean*, and the Township of *Great Lever* in the Parish of *Middleton*, as extends to certain Collieries and other Works called or known by the Names of *Clifton Colliery* and *Kearsley Colliery*, to where the same joins and communicates with the said intended Railway or Railways at or near the Aqueduct in *Clifton* aforesaid, upon or near the Scite or Line of the said Canal, together with Stages and Staiths, Sidings and Turnouts, and standing or waiting Rooms, for a sufficient Quantity of Waggons, at the several Terminations of the said Branch at the said Collieries; and the said collateral Branch Railway shall be made and constructed of equal Width and Level with the main Railway or Railways hereby authorized to be made, and so that the Coals may be raised at the said Places into the Waggons or Carriages in the same Manner as they are now raised into the said Boats navigating on the said Canal: Provided also, that nothing herein contained shall extend to require the said Company to make the said collateral Branch of more than One Line of Rails: Provided also, that when the said collateral Branch Railway shall be made and completed the same shall for ever thereafter, together with the Stages, Staiths, Sidings, and Turnouts, be maintained and kept in repair by and at the Expence of the said Company of Proprietors, their Successors and Assigns.

Not to take Mr. Fletcher's Canal.

LXXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to take or use for the Purpose of the said Railway or Railways the Canal belonging to *Ellis Fletcher* Esquire, and now used for the Conveyance of Coal and other Articles from the Colliery called or known by the Name of the *Clifton Colliery* and *Kearsley Colliery*, into the said Canal Navigation from *Manchester* to *Bolton* and to *Bury*, or any Part of such Canal.

No Rates to be paid by Mr. Fletcher on Branch Railway from his Collieries.

LXXXVI. And whereas, as soon as the said Canal Navigation from *Manchester* to *Bolton* and to *Bury* is stopped up, the Canal now used by the said *Ellis Fletcher* for the Purpose of conveying the Coal raised from his said Collieries at *Clifton* and *Kearsley* aforesaid into the said Canal Navigation will be no longer available to him for the Conveyance of such Coal from his said Collieries, and as the same are now conveyed by him without his paying any Rates or Duties for the same, it is reasonable that he should be allowed to carry, on the said Railway or Tramroad hereby authorized to be made from his said Collieries and Works into the Line of the said Railway or Railways from *Manchester* to *Bolton* and to *Bury*, Coals and other Articles to and from the same without being subject or liable to pay any Rates or Tolls in respect thereof; be it therefore further enacted, That

it



it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, of or from the said *Ellis Fletcher*, or the Owner or Owners or the Occupier or Occupiers for the Time being of the said Collieries at *Clifton* and *Kearsley* aforesaid now worked, any Rate or Toll whatsoever for the Use of the said Railway for the Conveyance of Coals or other Articles either to or from the said Collieries on the said Railway or Tramroad branching out of the said Railway or Railways from *Manchester* to *Bolton* and to *Bury* to his said Collieries, any thing herein contained to the contrary thereof in anywise notwithstanding.

LXXXVII. And be it further enacted, That the Company of Proprietors hereby incorporated shall at all Times keep open and preserve the free Navigation of the said Canal and every Part of it, and shall keep open and preserve the Towing Paths, Landing Places, Yards, Wharfs, Locks, Gates, Fences, Ways, Roads, Passages, Bridges, Aqueducts, Watercourses, and Works belonging to the Canal Navigation, until the said Company of Proprietors hereby incorporated shall also have completed, and made fit for public Use, One Line of Railway, with proper passing Places or Turnouts, Works, and Conveniences adjoining thereto or connected therewith, for the Passage of Waggon and other Carriages, properly constructed, all the Way from *Bolton*, and to terminate at the Wharf of the Basin near the Junction of the said Canal with the River *Irwell* at *Salford*, and in case the said Canal Navigation, or any Part of it, or any such Towing Path, Landing Place, Yard, Wharf, Lock, Gate, Road, or Work, is interrupted or impeded at any Time, until such One Line of Railway, passing Places, Turnouts, Works, and Conveniences all the Way from *Bolton*, and to terminate as aforesaid, shall have been made and completed as aforesaid, then the said Company of Proprietors hereby incorporated shall forfeit and pay, for every Day such Interruption or Impediment shall continue, the Sum of Thirty Pounds, to be recovered by every Person aggrieved and prejudiced by Action at Law in any of His Majesty's Courts of Record at *Westminster*: Provided always, that this Penalty shall not be incurred during the Time the Railway is making in any Parts where it crosses the Canal, if such Times do not exceed Twenty-eight Days in the whole for making the whole of such Crossings.

Canal not to be impeded till Railway is made.

LXXXVIII. And in case a temporary Railway shall be made for the Use of the Public before the permanent Railway hereby authorized to be made shall be completed, be it further enacted, That the Company of Proprietors hereby incorporated shall at all Times keep open and preserve the free Use and Passage of such temporary Railway and every Part of it, and shall keep open and preserve all the Yards, Wharfs, Staiths, Gates, Fences, Ways, Roads, Passages, Bridges, and Works, until the said Company of Proprietors hereby incorporated shall have completed and made fit for public Use the permanent Line of Railway, passing Places, or Turnouts, Works, and Conveniences adjoining thereto or connected therewith, hereby authorized to be made, all the Way from *Bolton*, and to terminate at the Wharf of the Basin near the Junction of the said Canal with the River *Irwell* at *Salford*, and in case the said temporary Railway, or any Part of it, or any such Yard, Wharf, Staith, Gate, Road, Passage, Bridge, or Work, is interrupted or impeded at any Time, until such permanent Line of Railway, passing Places, Works, and Conveniences shall

Temporary Railway not to be impeded till permanent Railway is completed.

[Local.]

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have



have been made and entirely completed as aforesaid, all the Way from *Bolton*, to terminate as aforesaid, then, in such or either of the said Cases, the said Company of Proprietors hereby incorporated shall forfeit and pay, for every Day such Interruption or Impediment shall continue, the Sum of Thirty Pounds, to be recovered by every Person aggrieved or prejudiced by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Company to  
make a Cart  
Road from  
Ringley  
Canal Bridge  
to Railway.

LXXXIX. And be it further enacted, That the said Company shall and they are hereby required to make, and from Time to Time hereafter maintain and keep in repair, a Cart Road from the present public Road at *Ringley Canal Bridge* to join and communicate with the said Railway, together with a proper Staith and discharging Place and other necessary Conveniences upon the Side of or near to the said Railway, for the Purpose of enabling Persons to load and unload thereat, the Ascent of which said Road shall not in any Place exceed Two Inches and a Half in a Yard.

Company to  
make public  
Wharfs.

XC. And be it further enacted, That the said Company shall and they are hereby authorized and required to make and maintain, at *Salford, Bolton, and Bury*, Wharfs, Staiths, and Conveniences which shall always be equal to the Wants of and open to the Accommodation of Persons using the said Canal and Railway, and also Roads from the said Wharfs, Staiths, and Conveniences to communicate with the public Roads and Streets adjoining thereto.

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

XCI. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall have been set out and ascertained for the Purposes of this Act or any of them, it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, 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 the behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will permit; namely,

Form of  
Conveyance  
to the Com-  
pany.

‘ I of the Sum of \_\_\_\_\_ of \_\_\_\_\_ in consideration  
‘ \_\_\_\_\_ to me paid by the Company of  
‘ Proprietors of the Canal Navigation and Railway from *Manchester* to  
‘ *Bolton* and *Bury*, in pursuance of an Act passed in the Second Year  
8\* \_\_\_\_\_ of







Company, and within Twenty-one Days after the Service of such Notice the said Company shall deliver to such Owner, Lessee, or other Person a Declaration in Writing under their Common Seal, whether they require the Coal under such Masonry or Building so lying within Forty Yards thereof, or so much thereof as the said Company shall in such Declaration specify to be reserved for the Protection of such Masonry or Building; and in that Case the said Company shall purchase and pay the Owner, Lessee, or other Person entitled to the same for the Coals, Stones, Slate, or Minerals so reserved; and in case the said Company, and such Owner, Lessee, or other Person, shall not agree as to the Price to be paid for the said Coals, Stone, Slate, or Minerals so reserved, the same shall be settled by a Jury in manner herein-after mentioned; and in case the said Company shall not desire the said Coals, Stones, Slate, or Minerals to be reserved, or shall not deliver such Declaration in Writing as aforesaid, then and in either of such Cases the said Owners, Lessees, or other Persons may work and get the Coal, Stones, Slate, or Minerals under the said Masonry or Buildings, provided the same be got in the usual and ordinary Manner, doing as little Damage to the said Railway hereby authorized as may be.

Satisfaction to be made for Lands taken for the Railway.

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

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

XCVI. And for settling all Differences which may arise between the said Company and the several Owners, or Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Wells and Springs, Waters or Watercourses, which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person so interested, entitled, or capacitated to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trsuts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ, or shall

not



not agree with the said Company as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company, or if any such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Company and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury, or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested, entitled, or capacitated to sell as aforesaid, shall (for the Space of Fourteen Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements, or Hereditaments required for the Purposes of this Act,) neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests therein, or shall by reason of Absence be prevented from treating, or shall by reason of Non-age or any other Impediment or Disability not provided for by this Act be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not produce and fully disclose the State of the Title to the Premises they may be in possession of, or to the Interest they shall claim therein, or deduce a clear Title thereto, to the Satisfaction of the said Company, then and in every such Case the said Company may and shall, and they are hereby empowered and required, from Time to Time, to issue a Warrant under their Common Seal to the Sheriff of the County Palatine of *Lancaster*, or in case such Sheriff or Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return, a Jury of at least Forty-eight sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned and returned, are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues, joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid,

[Local.]

14 B

such



such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers by, or of others who 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 said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Five or more of them, either before or after an Oath or Affirmation shall have been administered to them as herein-after is mentioned, to view the Place or Places or Matter or Matters in controversy; and such Jury shall upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) enquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which cannot or will not be further obviated, remedied, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise, or by affixing the same on the said Premises.

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

XCVII. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or made use of for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time or Times hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners or Occupier or Occupiers of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands,  
8\* Tenements,



Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in such Land, Tenements, or Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

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

Compensation Money to be apportioned.

XCIX. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County Palatine of *Lancaster* among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

C. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person hereinbefore authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds, and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, then and in every such Case every such Person so offending (having no reasonable Excuse to be allowed by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the Lands, Tenements,

Penalty upon Sheriff, &c. Jurors, or Witnesses, making Default.



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

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

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

By whom Expences of Juries shall be paid.

CII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for the same or more Money than shall have been previously offered or tendered by the said Company for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid; or for any such Estate, Right, or Interest therein, or as a Compensation or Recompence for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning such Jury, and the Expence of Witnesses, shall be borne by the said Company; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, unless such Treasurer or Treasurers shall pay such Costs out of the Monies received by him by virtue of this Act, which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Lancaster*, which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned and by the said Company; but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs, the same shall be settled and ascertained by the Sheriff of the said County Palatine of *Lancaster*, or his Under Sheriff, who is hereby authorized and required to examine into and tax and settle the same, and to appoint a  
Time



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

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

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

CIV. And be it further enacted, That the said Company shall not be obliged nor shall any Jury to be summoned by virtue of this Act receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained or supposed to be sustained, or having been discovered to have been sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Company before Complaint.

CV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or which shall belong to any Trustee or Trustees or other Person or Persons who have no Power to give a valid Receipt for the same, or to sell and convey the same Premises, otherwise than by virtue of this Act, or if any Money shall be paid or agreed or awarded to be paid for any Estate of Freehold belonging to a Feme Covert, 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 Com-

Application of Compensation Money amounting to 200*l.*



pany of Proprietors of the *Manchester, Bolton, and Bury* Railway, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid; or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest or annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

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

CVI. Provided always; and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians; Committee or Committees, in case of Infancy, Idiotcy, 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 Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is 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 obtaining or being required to obtain any Order of the said Court touching the Application thereof.

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

When less than 20*l.*

CVIII. And be it further enacted, That in case the Person or Persons to whom any Sum of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not make out a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum

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



Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum of Money into the Bank of *England* as aforesaid.

Persons in Possession presumptively entitled.

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

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

CX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

CXI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury, in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, after deducting thereout such Costs and Charges (if any) as to the Proprietor or Proprietors



prietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, or into the Bank of *England*, in manner herein-before directed, in such Cases respectively where the same shall be requisite, within One Calendar Month after the same shall be so agreed for, determined, or assessed, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and Hereditaments respectively, and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates, in Reversion and Remainder or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to bore under, dig, or cut into such Lands, Tenements, or Hereditaments, for the Purpose of making the said Railway or other Works hereby authorized to be made, without the Consent of the Owners or Occupiers thereof in Writing under their respective Hands.

CXII. And be it further enacted, That all and every Person and Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage) shall, on Tender of the Principal Money, and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then, at the End of such Six Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner hereinbefore directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment

Mortgages to be conveyed to Company after Tender of Principal and Interest.



thereout to any Lessee or Tenant as hereinbefore directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him or them, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

CXIII. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation, if any, for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company on the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury, in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation,



ation, being so settled and agreed upon or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank, as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used, from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers and Remedies and Means for recovering and compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

CXIV. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons, in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as a Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors hereby established, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required to give up such Possession; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the said County Palatine of *Lancaster* to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants  
from Year to  
Year to  
deliver Pos-  
session on  
Six Months  
Notice.

CXV. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Lands, Tenements, or Hereditaments occupied by him or her to the

Interests of  
such Te-  
nants may  
be settled by  
said  
a Jury.



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

Persons holding under Leases to produce the same.

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

Enabling the Company to sell Lands not wanted.

CXVII. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by Public Auction or Private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding: Provided always, that the said Company, before they sell and dispose of any such Piece of Land or Ground, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company, within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire or Intention to purchase such Lands, Tenements, and Hereditaments for the Space of Fifteen Days, then and in every such Case, an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or

First Offers to be made to Owners of adjoining Land.



before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, as the Case may require, by some Person or Persons not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or declined or was not accepted and agreed to within the Time aforesaid by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Person shall be desirous of purchasing the same, and he, she, or they, and the said Company, shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance thereof, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*, and the Money produced by the Sale or Sales which may be made by the said Company of such Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

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

Treasurer, upon Payment of Money, to give Receipts.

CXIX. And whereas it may tend to public Advantage and Accommodation if the said Company were empowered to purchase any Quantity of Land, in addition to the Lands, Tenements, and Hereditaments which they are herein-before enabled to take and enter upon as aforesaid, not exceeding Fifteen Statute Acres, and also to purchase any Messuages or other Buildings, for the Purposes of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, Tenements, or Hereditaments, not exceeding in the whole Fifteen Statute Acres, in such Place or Places as shall be deemed eligible or convenient, for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of

Power to purchase Lands for Wharfs, &c.

[Local.]

14 E

receiving,



receiving, lodging, depositing, or keeping any Coals, Merchandize, or other Articles or Things carried or conveyed or intended to be carried or conveyed upon the said Railway, or for making any convenient Roads, Avenues or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway and Branch which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, Tenements, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway and Branch.

Company not to purchase more than Two Acres for Wharfs within the Townships of Great Bolton or Tonge.

CXX. Provided always, and be it further enacted, That the said Company shall not be authorized or empowered, by virtue of this Act, to purchase more Land for the making, erecting, forming, and providing such last-mentioned Yards, Staiths, Wharfs, Messuages, Warehouses, or other Buildings, within the Townships of *Great Bolton* or *Tonge-with-Haulgh*, than shall collectively amount to Two Acres, and that such Land so purchased shall adjoin, for the whole Width thereof from East to West, to the Lands now belonging to the said Company on both Sides of the said *Manchester, Bolton, and Bury Canal*, Southwards from *Church Bridge* in the said Township of *Great Bolton*.

Company and others to have Right of Way from the Lands purchased to and upon the present Road from Bradshaw Gate to Bury.

CXXI. Provided always, and be it further enacted, That it shall be lawful, and full Authority shall be given, in virtue of this Act, for the said Company, and all Persons duly authorized by them, to pass, with or without Horses, Waggon, or other Carriages, from and out of the said Lands so purchased as last mentioned, in a Southerly Direction, on each Side of the said Canal or intended Railway, to and upon the present Road from *Bradshaw Gate* to or towards *Bury*; and also that it shall be alike lawful for the said Earl of *Bradford*, his Heirs or Assigns, and the Occupiers of his Collieries, Bleaching Works, Paper Works, Vitriol or other Works, and of his Yards, Staiths, Wharfs, Warehouses, or other Buildings, to pass along, with or without Horses, Waggon, or other Carriages, over and through the Lands so purchased as last mentioned, and now belonging to the said Company, in a Northerly Direction, on both Sides of the said Canal or intended Railway, to *Church Bridge* and the Road leading from *Church Gate* to *Great Bolton* to and towards *Bury*.

Company may sell any Part of their Lands, and purchase other Lands, not exceeding the prescribed Quantity.

CXXII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to sell and dispose of such additional Messuages, Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase, and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by Public Auction or Private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to become the Purchaser thereof: Provided always, that the said Company, before they sell and dispose



dispose of any such additional Messuages, Lands, Tenements, and Hereditaments, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the same, in manner and form and subject to the Provisions hereinbefore mentioned, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company for any of the Purposes hereinbefore mentioned shall not exceed at any One Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

CXXIII. And whereas the said Company are enabled to purchase Fifteen Statute Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, taken, or used for the making and completing of the said Railway; and all Bodies, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or other Person being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, more than such Fifteen Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Fifteen Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Fifteen Statute Acres or any Part thereof so sold or disposed of by the said Company.

Restraining the Company from purchasing more than 15 Statute Acres of Land from incapacitated Persons.

CXXIV. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers

The Word 'grant' in Convey-



ances to  
amount to  
certain  
Covenants.

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

Deficiencies  
in Land Tax  
to be made  
good by  
Company.

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



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

Company may contract for their Works.

CXXVII. And be it further enacted, That the said Company shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, and Drains or other Passages over, under, or by the Side of the said Railway, and the Fences on the Side thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Railway, without obstructing or impounding the same to the Prejudice of any of the said Lands or Grounds; and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to maintain such Watering Places as have been made in pursuance of the several Acts hereby repealed, or either of them, and to supply the same respectively at all Times with Water from such Rivers, Brooks, or Streams of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company, and they are hereby required, from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereunto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said County Palatine of *Lancaster* shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Purpose of conveying Water from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively, and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages, and also all Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages made in pursuance of the said Acts hereby repealed, or either of them, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall, by or on the Behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway or Canal, be given to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, is or are not made, or, being made, is or are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an

Company to make sufficient Drains, &c. to carry Water off the Lands;

and also Watering Places for Cattle.



Order in Writing from any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered at their Discretion to make and grant such Orders as aforesaid,) enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company, 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 from the said Company.

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

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



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

CXXIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company, are insufficient either in Number or Situation for the commodious Use and Occupation of the respective Lands and Hereditaments through which the said Railway shall pass, then and so often, and in any such Case, it shall be lawful for any such Owner or Occupier, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction

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

or



or Form with those made and erected by the said Company, in, upon, along, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges as occasion shall require, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

For fencing  
off Railway  
through pri-  
vate Lands.

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

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

CXXXI. Provided also, and be it further enacted, That if the said Company shall not within the Space of Five Years, to be computed from the Time of passing this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Houses, Buildings, Hereditaments, or other Premises which they are by this Act empowered to purchase (or so much thereof as shall be deemed necessary or proper) for the Purpose of making the said Railway or other Works hereby authorized (save and except the Fifteen Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Land hereby authorized to be purchased for making and completing the said Railway or other Works), then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease and determine, and be utterly null and void.

If Railway  
not complete  
in Seven  
Years, Power  
of making  
the same to

CXXXII. Provided always, and be it further enacted, That in case the said intended Railway shall not have been completed and made within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act, so far as the  
same



same shall extend or be construed to extend to the said Railway and Branch hereby authorized to be made, shall cease and determine, save only and except as to so much (if any) of the said intended Railway and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County Palatine of *Lancaster*, assembled at any Quarter Sessions of the Peace to be holden in and for the County of *Lancaster*, or any Adjournment thereof, as the Case may be, at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath to be produced before them for that Purpose.

cease, except as to such Part, if any, as shall be completed.

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

If Railway is abandoned by Company, the Land to revert to the Owners of adjoining Land.

CXXXIV. And whereas, for the greater Security of Passengers and other Persons travelling upon or using the said Railway or Branch, it is expedient that the locomotive Engines or other Power to be from Time to Time used in drawing or propelling Coaches, Waggon, and other Carriages upon and along the said Railway and Branch, for the Conveyance of Passengers in covered Coaches or Chaises, should be entirely under the Management and Controul of the said Company; be it therefore enacted, That no locomotive Engine or other Description of moving Power shall at any Time be brought upon or used on the said Railway or Branch, for drawing or propelling such Coaches or Chaises, save and except the locomotive Engines or other Power belonging to or to be provided by the said Company, or by such Person or Persons as may be from Time to Time especially licensed in that Behalf by the said Company; and every such locomotive Engine or other Power shall be under the absolute Controul and Management of the said Company, their Engineers, Officers, and Servants; and it shall be lawful for the said Company, and they are hereby authorized and empowered, to make such reasonable Charges for the Use of the said locomotive Engines or other Power for such Purposes as aforesaid as they may from Time to Time determine upon.

Authorizing Company to provide moving Power.

CXXXV. And in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway and Branch, and other the Works hereby authorized to be

Rates of Tonnage on Railway.



made and maintained, be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Wares, and Merchandize, and other Articles, Matters, and Things, which shall be carried or conveyed upon or along the said Railway and Branch, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; that is to say,

For all Materials for the Repair of Public Roads and Highways, Limestone, Dung, and other Manure, Culm, Slack, Sand, and Clay, *per Ton per Mile One Penny* :

For all Coal, Lime, Building Stone, Rough Flags, Paving Stones, Rock Salt and other rough Minerals, Coke, Charcoal, Cinders, Bricks, Tiles, Slates, hewn and wrought Stone, Timber, Staves, Deals, Pig Iron, Lead and other Ores, Kelp, Gypsum, and Salt, Hay and Straw, Apples and Pears, Potatoes, Turnips, and other Garden Produce, *per Ton per Mile One Penny Halfpenny* :

For all Iron, Lead, and other Metals, Corn, Grain, and Seeds, Mahogany, Dyewoods, Bark, Molasses, coarse Pottery, Sulphur, Saltpetre, Barilla, Potash and other rough Drugs, *per Ton per Mile Two-pence* :

For all Sugar, Groceries, Beer, Meal and Flour, Provisions, Hides, Horns, Oils, Chemical Liquors and Drugs, *per Ton per Mile Two-pence Halfpenny* :

For all Cotton and other Wool, Flax, Hemp, Wines, Earthenware and Glass, and other hazardous and manufactured Goods and Wares, *per Ton per Mile Three-pence* :

Additional  
Tolls when  
conveyed in  
Company's  
Carriages.

CXXXVI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized, to carry and convey over, along, and upon the said Railway and Branch or any Part thereof, all such Goods, Wares, and Merchandize, Articles, Matters, and Things as aforesaid, which shall be offered to them for that Purpose; and from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, over and above the respective Rates of Tonnage of Goods, Wares, and Merchandize, Articles, Matters, and Things above mentioned and authorized to be taken, any Sum not exceeding the additional Rates and Sums of Money following; that is to say, for all such Goods, Wares, and Merchandize, Articles, Matters, and Things, when the same shall only be carried in the Waggon's of the said Company, *per Ton per Mile One Halfpenny*; when the same shall not be carried in the Waggon's of the said Company, but such Waggon's shall be drawn or propelled by and at the Expence of the said Company, *per Ton per Mile One Halfpenny*; when the same shall be carried in the Waggon's of the said Company, and shall also be drawn or propelled by and at the Expence of the said Company, *per Ton per Mile One Penny*.

Tolls for  
Carriages.

CXXXVII. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Landaus, Gigs, Waggon's, Carts,



Carts, and other Carriages which shall be used on the said Railway and Branch or any Part thereof, for the Conveyance of Passengers or Cattle, the several Tolls herein-after mentioned ;

For every Passenger in open Waggon, *per* Mile, One Penny Halfpenny ;  
For every Passenger in covered Carriages, Coaches, Chaises, Gigs, or other Vehicles, *per* Mile, Two-pence Halfpenny :

For Horses, Cows, and other large Cattle, each, *per* Mile, Three-pence :  
For Sheep, Pigs, and other small Cattle, each, *per* Mile, One Penny Halfpenny :

CXXXVIII. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized to carry and convey, over, along, and upon the said Railway and Branch or any Part thereof, all such Passengers, Horses, Cows, and other large Cattle, Sheep, Pigs, and other small Cattle, which shall be offered to them for that Purpose, and from Time to Time to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, over and above the respective Tolls above-mentioned and authorized to be taken in respect to Passengers, Horses, Cows, and other large Cattle, Sheep, Pigs, and other small Cattle, any Sum of Money not exceeding the following Sums ; (that is to say,)

Additional  
Tolls for  
Passengers,  
&c.

For every Passenger in open Waggon, *per* Mile, One Penny :  
For every Passenger in covered Coaches or Chaises such reasonable Sum as the said Company may from Time to Time determine :  
For Horses, Cows, and other large Cattle in open Waggon, each, *per* Mile, Two-pence :  
For Sheep, Pigs, and other small Cattle, each, *per* Mile, One Penny :

Provided that in any Case in which the Coach, Chaise, or Waggon of the said Company, or the Power to draw or propel the same, of the Company, shall only be used, the said Rates shall not exceed One Half the Sums herein-before specified for such Passengers and Cattle.

CXXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter, for and in respect of any Boats, Barges, and other Vessels navigating the said Canal from *Bury* to *Bolton*, constituting the said Summit Level of the said Canal, and also such other Parts of the said Canal as shall not be converted into a Railway or Railways, and until the said Canal shall be converted into a Railway or Railways, to ask, demand, take, receive, and recover, to and for their own proper Use and Behoof, such Rates as shall be fixed by the said Company of Proprietors at any General Assembly not exceeding the several Sums of Money hereinafter mentioned ; that is to say,

Rates of  
Tonnage on  
the Canal.

For every Ton of Lime or Limestone, Clay, Bricks, Stones, Coal, or other Minerals, not exceeding the Sum of Two-pence *per* Mile :  
For every Ton of Timber, Goods, Wares, Merchandize, or other Commodities, not exceeding the Sum of Three-pence *per* Mile.

CXL. Provided always, and be it further enacted, That the said Company of Proprietors shall not at any Time hereafter ask, demand, recover, take, or receive more than the Sum of One Penny Halfpenny *per* Ton *per* Mile for every Ton of Coal, Clay, Bricks, or Stones (except Limestone)

Tonnage on  
Coal, &c.  
not passing  
a Lock.



stone) that shall be carried or conveyed upon the said Canal, so far and so long as the same or any Part thereof shall remain navigable as aforesaid, in any Boat, Barge, or other Vessel that shall not or do not pass through any of the Locks upon the same Canal; any thing herein contained to the contrary thereof in anywise notwithstanding.

Exemptions  
from Rates.

CXLI. Provided always, and be it further enacted, That small Rubbish or waste Stones from Delves and Quarries, and all paving and other Stones, Gravel, Sand, Timber, and Wood to be employed for the Purpose only of making or repairing of Water Banks, Sluices, or Trenches upon the said Canal, or of any public or private Roads not being Turnpike Roads, in any Township, Village, Hamlet, or Place in which the said Canal, Cuts, or Trenches are made, and also Dung, Soil, Marl, Ashes of Coal, and Turf, and all other Manure (except Lime) which shall be used for the Improvement of any Lands or Grounds in any such Township, Village, Hamlet, or Place, shall not be charged or liable to the Payment of any of the Rates herein-before authorized to be taken, so that the same do not pass through any Lock of the said Canal but at such Time when the Water shall flow over the Lock Weir of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Wood, Stones, Gravel, Sand, Timber, or Wood, or Manure as aforesaid, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Person or Persons not suffering the same to lie upon such Wharfs or Quays longer than may be necessary for the loading or unloading thereof; and making good any Damages that may thereby on account thereof be done to the said Canal or Works, and in case of any Difference the Amount or Value of such Damage shall be ascertained and settled by Two Justices of the Peace for the said County of *Lancaster*; provided that the Person or Persons claiming such Exemptions as aforesaid shall give at least Six Hours previous Notice of his or their Intention to pass through any Lock or Locks, to the Keeper thereof; and if any Person or Persons shall claim and take the Benefit of any of the aforesaid Exemptions without being entitled thereto, or shall use or dispose of any of the Articles so exempted in any other Manner than as before mentioned, or shall load any Manure higher than the Sides of the Boat or Vessel in which the same shall be carried, he or they shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Company  
may fix the  
Price of  
small Par-  
cels.

CXLII. 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 or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding Two hundred and fifty Pounds Weight upon the said Railway or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates as to them shall seem meet, fitting, and reasonable.

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

CXLIII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton a Proportion of the Rates shall be deemed and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton;



a Ton; and in all Cases when there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway, or any Boat or Vessel along the said Canal, the Rate of Toll or Duty which shall be deemed and taken for the Conveyance of Goods, or the Conveyance of Passengers or Cattle, shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage or Boat or Vessel shall have passed, and where there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as One Quarter of a Mile.

CXLIV. And whereas it is expedient that the said Railway Company should provide, for the Accommodation of certain Colliers, Miners, and Proprietors or Lessees of Coal Mines and Stone Quarries, necessary Waggons, Carriages, locomotive Engines, or other adequate Power, in certain Cases; be it therefore further enacted, That the said Company shall and they are hereby required to provide and supply, from the Time at which the said Railway or any Part thereof shall be opened for public Use, at all reasonable Times, and with all due Diligence, a sufficient and proper Quantity of Waggons, Carriages, and locomotive Engines, or other adequate Power, to all such Persons requiring the same as shall not at the same Time have, use, or employ any Waggons, Carriages, locomotive Engines, or other Power upon the said Railway or any Part thereof, belonging to themselves or any other Person or Persons, Party or Parties, except the said Company, for the Purpose of carrying and conveying Coal, Slack, Culm, Produce of Mines, building, hewn, or other Stone, or other Materials, upon and along the said Railway or any Branch or Part thereof; and the said Railway Company shall and they are hereby required to draw or propel and convey with all convenient Speed all such Waggons and Carriages, with their Loadings, upon and along the said Railway or Branch, or Parts thereof, to and upon the Wharfs, Stages, and Staiths at *Salford, Manchester, Bolton, Bury*, or elsewhere upon or near to the said Railway, Branch, or Parts thereof, as the Case may be or require; and if at any Time the said Company shall neglect or refuse to furnish such Waggons, Carriages, locomotive Engines, or other adequate Power as herein-before mentioned, for the Space of Six Hours after Notice in Writing left for that Purpose at the Toll House, Office, or Counting-house belonging to the said Company nearest to the Place where such Waggons, Carriages, locomotive Engines, or Power shall be required, or shall make default in drawing or propelling the same, in manner aforesaid, to their Place or Places of Destination, then and in every such Case the said Railway Company shall be subject and liable to pay to every Party aggrieved by such Default the Sum of Twenty Shillings for every Hour, and a Proportion of the like Sum for every fractional Part of an Hour after the first Hour, that such Neglect, Refusal, or Default shall continue: Provided always, that the said Company shall not be obliged or compellable to provide and supply in any One Day any greater Quantity of Waggons, Carriages, Engines, or Power than shall be reasonably sufficient for the Carriage and Conveyance required, nor shall the said Company be obliged or compellable to carry or convey, for any Person or Party, more in any One Day than the Amount of the Produce of the Mine or Mines, Quarry or Quarries of such Party for One Day and the Half of a Day, such Amount to be computed upon the best Average that can be

Company to provide Carriages and Engines for conveying Coals, &c.

[Local.]

14 H

taken



taken of the daily Production of such Mine or Mines, Quarry or Quarries, when at regular Work.

Penalty for Delay in loading or unloading Waggon, &c.

CXLV. And be it further enacted, That if any Person or Party shall require such Waggon, Carriage, locomotive Engine, or Power to be supplied by the said Company as herein-before mentioned, such Person or Party shall forthwith load such Waggon and Carriage with all convenient Speed, and shall in like Manner, when such Waggon and Carriage shall arrive at their respective Places of Destination, unload and discharge the same with the like Speed; and in case upon such Supply by the said Company of any such Waggon or Carriage the Person or Party requiring the same shall not within Six Hours after the Supply of such Waggon and Carriage load the same, or shall not within Three Hours after their Arrival at their respective Places of Destination unload and discharge the same, and restore the same to the said Company, such Person or Party shall be subject and liable to pay to the said Company the Sum of Twenty Shillings for every Hour, and a proportionate Part thereof for the fractional Part of an Hour, which such Waggon and Carriage shall be detained without their loading the same beyond such Six Hours after they have been supplied as aforesaid, or shall be neglected to be unloaded and discharged and restored after the Expiration of such Three Hours for unloading at their respective Places of Destination as aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend to render any Person or Party liable for any such Penalty as aforesaid for not loading or unloading any such Waggon or Carriage as aforesaid between the Hours of Six of the Clock in the Afternoon and Six of the Clock in the following Morning.

Compensation for Boats at present employed on the Canal.

CXLVI. And whereas the Owners and Occupiers of Coal Pits and Collieries, and other Persons using the said Canal Navigation, have at present Boats used thereon, which when the said Canal Navigation or any Part thereof is stopped, and the said Railway made in its Place, will become useless: And whereas the said Company have consented and agreed to make Compensations in Money to such Owners and Occupiers and other Persons for the Loss they will sustain by their Boats being so rendered useless; be it therefore further enacted, That when and so often as any Boats now used upon the said Canal Navigation shall become useless and unnecessary, in consequence of the Stoppage of the said Canal Navigation, the said Company shall and they are hereby required to make full Compensation and Satisfaction for all such Boats to the Owners thereof; and in case of any Dispute about the Amount of such Compensation and Satisfaction, or the Means of the Recovery thereof, the same shall be ascertained, settled, and determined, recovered, and levied in the same Manner, and under the same Regulations and Restrictions, as Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever done or committed by the said Company, is herein directed to be ascertained, settled, and determined, recovered and levied.

Power to reduce the Tolls.

CXLVII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and so often as they shall think fit, to lessen and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken for or in respect of all or any of the Goods,



Goods, Articles, and Things, Passengers or Cattle, herein-before specified or mentioned, which shall be conveyed upon the said Railway or Canal respectively, and afterwards from Time to Time again to raise, advance, and vary the same or any of them, so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected, subject to the Regulations in this Act contained relating to the same.

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

Rates, &c. not to be raised or lowered partially.

CXLIX. And be it further enacted, That in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage or Tolls shall be demanded and taken upon the said Railway and Canal, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks to be set up at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and such Stones or Marks, and also the Milestones on such Parts of the said Canal as shall not be stopped or filled up, drained, or made dry: Provided always, and it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties by this Act authorized to be demanded or taken in respect of the said Railway, until the said Railway shall have been so measured, and the Stones and other conspicuous Marks set up as herein-before directed.

Distance Stones or Marks to be set up.

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

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

CLI. And be it further enacted, That in case any Owner or Master or other Person belonging to any Waggon or other Carriage belonging to the said Railway or any Part thereof respectively, or any Collector of the

Persons demanding more than the proper the



Rate or Toll  
subject to  
Penalty.

the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid shall forfeit any Sum not exceeding Five Pounds.

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

CLII. And be it further enacted, That the Rate of Tonnage, and also the several other Tolls and Duties by this Act authorized to be taken, shall be paid to such Person or Persons, at such Place or Places at, upon, or near the said Railway and Branch and Canal respectively, in such Manner and under such Regulations as the said Company at some General or Special Meeting or Meetings, or as the Committee thereof, shall, by Notice to be annexed to the Account or List of Tonnage or Rates and Duties direct and appoint.

For prevent-  
ing Misbe-  
haviour of  
Toll Col-  
lectors.

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

Recovery of  
Rates.

CLIV. And be it further enacted, That in case of Refusal or Neglect of Payment of any Rates, Tolls, or Duties hereby authorized to be taken, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Duties shall amount to the Sum of Ten Pounds and 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



such Rates, Tolls, or Duties ought to have been paid may and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Sums ought to be or ought to have been paid, or any Part thereof, and the Waggon or other Carriage, Boat or other Vessel, laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the Person or Persons making such Seizure, Detention, and Sale, or the said Company, shall not be accountable for any Accident, Loss, Injury, or Damage which may accrue to the same Goods, Horses, Cattle, Waggon, or other Carriages, Boats or other Vessels, and other Things, in consequence of such Seizure, Detention, and Sale: Provided always, that in such Case such Rates or Duties so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is hereinbefore mentioned.

CLV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the said County Palatine of *Lancaster*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Non-payment 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.

Disputes about the Amount of Rates to be settled by a Justice.

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

Owners of Waggons to give an Account of Lading.

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count,



count, or to produce his or their Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall thereof be convicted before any Justice of the Peace for the said County Palatine of *Lancaster*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage, Boat or Vessel, of which such Account shall be so refused to be given, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

Weight of  
Tonnage  
ascertained.

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

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

CLVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, or any Toll-keeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, Boat or Vessel, or the Owner of any Goods or other Things therein or thereon, it shall be lawful for any such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, Boat or Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, Boat or Vessel, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Quantity than the same shall by such Account appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or the Owner or Owners of such Goods and other Things, such Damage as shall appear to any Justice of the Peace for the said County Palatine of *Lancaster*, on the Oath of any credible Witness, to have arisen from 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 the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be), the same may be recovered by Distress and Sale of the Goods of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid, as the Case may be.

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

Power to  
lease the  
Tolls.

CLX. And be it further enacted, That in case all or any of the Rates, Tolls, or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates, Tolls, or Duties, or in case any temporary or other Collector thereof shall be discharged from

Power of  
Re-entry.



from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representative of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereunto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Seven Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Two or more of the Committee (although not assembled at a Meeting, or by the Clerk or Treasurer for the Time being of the said Company), or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, upon Application made by the said Committee, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Committee, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Committee in every such Case again to demise or let to farm the said Tolls and Duties to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Owners and Occupiers to pass along Railway as far as their Lands extend without Payment of Toll.

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

Part



Part of the said Railway: Provided also, that it shall be lawful for the respective Occupier or Occupiers of the Lands or Grounds through which the said Railway shall be made, and his, her, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway so far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof.

CLXII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners or Lessee or Lessees of any Land or Ground lying adjoining or near to the said Railway from making any Railroad or Railroads, common Road, or Watercourse, to, from, or across the said Railway hereby authorized to be made, and to use such Railway, common Road, or Watercourse for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such Railway, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway hereby authorized to be made by the said Company; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Railway or common Road so to be made across the Railway hereby directed to be made.

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

CLXIII. And whereas several Cotton Factories or Mills, and Steam Engines for working the same, have been erected adjoining or near to the Banks of the said Canal, and such Steam Engines can be used only where cold Water can be obtained to condense their Steam, and Water for such Steam Engines hath hitherto been supplied from the said Canal, and the Proprietors of such Factories, Mills, and Steam Engines would be greatly inconvenienced if the Supply of Water for such Steam Engines were withdrawn; and large Quantities of Coal being required for such Steam Engines, the said Company may derive considerable Advantage from the Tonnage which will be payable for such Coal as may be carried upon or along the said Railway, for the Use of such Steam Engines: And whereas, by reason of the Conversion of the said Canal, or some Part or Parts thereof, into the Railway hereby authorized, the Current of Water which now flows through the said Canal for the Supply of such Parts thereof as may still remain a navigable Canal, and the necessary Lockage in the same, will be rendered of no Use, and the same Current of Water, or the greatest Part thereof, must of necessity flow to waste, unless the same can be maintained and applied for the Use of the said Steam Engines in the Cotton Factories in the Manner above mentioned: And whereas the said Company will be put to a very considerable Expence in making the necessary Works to continue the Supply of Water to the said Steam Engines; be it therefore further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to construct and make, or cause to be constructed and made, and at all Times thereafter to keep, maintain, and continue, over, under, or by the Side of the said Railway, such Arches, Tunnels, Culverts, Troughs, or other Passages for the Conveyance of Water, and of such Depth, Breadth, Dimensions, and Capacity as shall be adequate to supply, and that the said Company shall by such

Company to provide condensing Water for Steam Engines in certain Cotton Factories.

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Means



Means supply, a sufficient Quantity of cold Water for the Use and Consumption of all such Cotton Factories and Mills as at the Time of passing this Act shall be erected adjoining or near to the Banks of the said Canal, and of the Steam Engines which now do or shall hereafter belong thereto, in as full, ample, and beneficial a Manner in all respects as such Cotton Factories, Mills, and Engines are now supplied therewith respectively; and it shall be lawful for the Owner or Occupier, or Owners or Occupiers of every such Cotton Factory or Mill, and of every such Steam Engine as aforesaid, at his or their own Costs and Charges, to make any Communication or Communications between any such Arches, Tunnels, Culverts, Troughs, or other Passages, and any such Steam Engine or Steam Engines, by means of One or more Metal Pipe or Pipes, of sufficient Strength or Thickness and so constructed as to prevent Leakage or Waste of Water, and to draw or take from such Arches, Tunnels, Culverts, Troughs, or other Passages such Quantities of Water as shall be necessary for supplying such Steam Engine or Steam Engines as aforesaid with Water for the sole Purpose of raising and condensing the Steam used for working such Engines as aforesaid, and for warming the said Cotton Factories or Mills: Provided always, that the Owner or Occupier, or Owners or Occupiers of every such Steam Engine shall, if so required by the said Company, return to such Arches, Tunnels, Culverts, Troughs, or other Passages, every Day on which any such Steam Engine shall be worked, a Quantity of Water equal to the Quantity which shall on each such Day be taken or drawn from such Arches, Tunnels, Culverts, Troughs, or other Passages, (the unavoidable Waste thereof by raising and condensing such Steam only excepted,) and that the Water to be so drawn and taken as aforesaid shall be applied for the Purposes aforesaid, and for no other Use or Purpose whatsoever.

Company to construct Tunnels, and to supply Steam Engines with Water.

CLXIV. And for preventing Loss or Injury to the Owners or Occupiers of such Cotton Factories or Mills and Steam Engines aforesaid, be it further enacted, That the said Company shall and they are hereby required to construct, make, complete, and finish, or cause to be constructed, made, completed, and finished, such Arches, Tunnels, Culverts, Troughs, or other Passages for the Conveyance of Water as aforesaid, and to supply the same with cold Water sufficient in every respect for the Use and Consumption of such Steam Engines as aforesaid, before the Water shall be drawn from the said Canal; and that in the meantime and until the Water shall be so drawn from the said Canal as aforesaid the said Company shall and will permit and suffer the Owner or Occupier, or Owners or Occupiers of every such Cotton Factory or Mill, and of every such Steam Engine as aforesaid, to draw and take, and the said Company shall and will supply, cold Water from the said Canal for the necessary Use and Consumption of such Steam Engines as aforesaid.

Rates to be demanded for Supply of Water.

CLXV. And in order to provide some Compensation to the said Company for the Costs and Charges which they will sustain by reason of making the necessary Culverts and other Works for the Conveyance of Water for the Use of the said Steam Engines in the said Cotton Factories, as herein-before mentioned; be it further enacted, That it shall be lawful for the said Company to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, of and from the several Owners or Occupiers of the said Factories or Mills and Engines, any



Sum or Sums of Money not exceeding the yearly Sums following; that is to say, until such Arches, Tunnels, Culverts, Troughs, or other Passages for the Conveyance of Water shall be constructed, made, completed, and finished as aforesaid, and shall be so supplied with Water as aforesaid; for every Horse Power of each such Steam Engine not exceeding the yearly Sum of One Shilling for each Horse Power at which such Steam Engine shall be rated according to the Estimate or Scale now used by Messieurs *Boulton* and *Watt* of *Soho* near *Birmingham* in the County of *Warwick*; and from and after such Arches, Tunnels, Culverts, Troughs, or other Passages for the Conveyance of Water shall be constructed, made, completed, and finished as aforesaid, and shall be so supplied with Water as aforesaid, for every Horse Power of each such Steam Engine the said Company shall ask, demand, take, recover, or receive a Sum not exceeding the yearly Sum of Ten Shillings for each Horse Power at which such Steam Engine shall be rated as aforesaid; and in case of any Neglect or Refusal in Payment of such Rent or Rents, or any Part or Parts thereof, by such Owner or Occupier, or Owners or Occupiers respectively as aforesaid, for the Space of Ten Days next after Demand in Writing by the Person or Persons appointed by the said Company to collect and receive the same, then and in every such Case it shall be lawful for the said Company to recover such Rent or Rents as shall be agreed upon, or so much thereof respectively as shall so remain unpaid, from such Owner or Occupier, or Owners or Occupiers so neglecting or refusing to pay the same, in manner following; that is to say, if the Sum so remaining unpaid shall not amount to or shall not exceed the Sum of Ten Pounds, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, or Owners or Occupiers, by Warrant under the Hand and Seal of any One or more Justice or Justices of the Peace for the said County of *Lancaster* (and which Warrant such Justice or Justices is and are hereby empowered to grant); and if the Sum so remaining unpaid shall exceed the Sum of Ten Pounds, then by the like Means, or by Action of Debt or on the Case in any of His Majesty's Courts of Record.

CLXVI. And whereas *Samuel Greg* of *Styall* within the County Palatine of *Chester*, Esquire, lately purchased from the said Company a Plot of Land situate in *Salford* aforesaid, adjoining the said Canal, with certain special Privileges of taking Water from the said Canal for the Use of the Cotton Factory or Factories, Buildings, and Steam Engine or Engines to be erected and set up upon the same Plot of Land, of which special Privileges the said *Samuel Greg* would be deprived by the Conversion of the said Canal into a Railway as aforesaid; be it therefore enacted, That as a Compensation to the said *Samuel Greg* for the Deprivation of such special Privileges granted to him by the said Company as aforesaid, the said Company shall and they are hereby required, at their own proper Costs and Charges, to supply a sufficient Quantity of cold Water for the Use and Consumption of the Factory or Factories, and Buildings now and hereafter to be erected upon the said last-mentioned Plot of Land, and the Steam Engine and Engines for the Time being belonging thereto, in like Manner and for such Purposes only as is herein-before mentioned with respect to the other Cotton Factories and Steam Engines for working the same erected adjoining or near to the Banks of the said Canal; and that the said *Samuel Greg*, his Heirs and Assigns, Owners and Occupiers for the Time being of the same Plot of

Company to supply sufficient condensing Water for the Cotton Factory of Mr. Greg, at a charge of not more than 5s. per Horse Power.



of Land, and the Buildings thereon, or in any Part thereof, shall have the like Power of taking such Water for the Purposes last aforesaid: Provided always, that the yearly Sum to be charged to the said *Samuel Greg*, his Heirs and Assigns, by the said Company, shall not exceed the yearly Sum of Five Shillings for every Horse Power at which each Steam Engine now or hereafter to be erected or set up upon the said last-mentioned Plot of Land, and supplied with cold Water as aforesaid, shall be rated as aforesaid, and shall not be more than One Half the yearly Sum for each Horse Power charged by the said Company for the Time being in respect of the said other Cotton Factories, and Steam Engines for working the same, now erected adjoining or near to the Banks of the said Canal.

Railway to be free on Payment of Tonnage.

CLXVII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses and Carriages, all Roads, Ways, and Passages belonging to the said Company, (except the Towing Paths,) and to use, with Boats and other Vessels, the said Canal, Branch, Sluices, and Passages, for the Purpose of carrying and conveying Goods, Wares, Merchandize, or any other Things, or Passengers or Cattle, to or from the said Railway and Canal and every Part thereof respectively, and to use the said Towing Paths for drawing any Boats or other Vessels; and also to pass along and upon and use the said Railway with Carts, Waggon, or other Carriages properly constructed as herein-after mentioned, to be drawn or propelled by locomotive Engines, animal or other Power, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums herein-before mentioned, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

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

CLXVIII. And be it further enacted, That if any Person (save and except the said Company, and the Agents and Servants employed by them, and by them only for the Purposes of the said Railway,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving, upon such Railway or on any Part thereof respectively, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive, or shall cause to be led or driven, or aid or assist in leading or driving thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, and except also in passing along the same as aforesaid for the necessary Occupation of the respective Lands through which the said Railway may be laid, then and in every such Case every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every such Offence.

Penalty on Persons travelling on Foot on the Railway.

CLXIX. And whereas it might be very injurious to the said Railway and the Works thereof, and inconvenient and dangerous to the Public, if the Railway by this Act authorized to be made were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person shall travel or pass on Foot upon the said Railway without the Licence and Consent of the said Company, except for the Purpose of attending any Waggon, Cart, or Carriage under his Care; and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said



said Railway, their Families, Agents, or Servants, in passing across or along the same, as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

No Waggon to pass unless constructed as directed by the Company.

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

Weight allowed to be carried.

CLXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, Bye Laws, and Regulations as they shall think proper, relating to Waggons or other Carriages passing along or using the said Railway and other Works, and Boats and Vessels navigating or drawn upon or using the said Canal and other Works, and the Manner in which they shall pass other Waggons or Carriages, Boats or Vessels respectively, and relating to the Power to be used for propelling the same, and also for or relating to the Speed with which they shall travel, and also for loading thereof respectively, and also for the Delivery of Goods, Merchandize, and other Matters and Things, and the Conveyance of Passengers and Cattle that shall be carried or conveyed in or upon such Waggons or other

Company to make Bye Laws, and cause them to be painted on Boards at the Toll Houses.

[Local.]

14 L

Carriages,



Carriages, Boats or Vessels, and generally for using and working such Railway, and using and navigating such Canal, and for the Superintendance and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter and repeal such Rules, Bye Laws, Orders, and Regulations, or any of them, or to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Proprietors composing such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed, and also published and painted on Boards, shall be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway, Canal, and Wharfs, and shall from Time to Time be renewed, as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Rules, Bye Laws, and Orders shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

Penalty on Boatmen carrying Nets or Guns for killing Fish or Game.

CLXXIII. And be it further enacted, That if any Person or Persons navigating or working or being on board of any Boat or other Vessel upon the said Canal shall carry or have on board with him or them any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, upon Conviction thereof before any One Justice of the Peace, on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat or Vessel shall knowingly suffer or permit any Person or Persons, not being duly qualified so to do, to have, carry on board, or make use of any such Net, Gun, Engine, or other Instrument, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons floating Timber on the Canal, or obstructing the Navigation.

CLXXIV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or shall navigate thereon any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given by any Collector, Agent, or Servant of the said Company, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or otherwise remove the same so as to make a free Passage for other Boats or Vessels, or shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, or the Basins, Cuts, Trenches, Sluices, or Passages for Water belonging thereto, or cause or negligently permit any Boat



Boat or Vessel to strike or run against any of the Locks or Bridges of the said Canal, or shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Navigation, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, or leave open the Gates of any Lock after any Boat or Vessel shall have passed through the same (except where otherwise ordered), every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

CLXXV. And be it further enacted, That if any Boat or Vessel shall be sunk in the said Navigation, and the Owner or Person having the Use or Care of such Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Boats sunk to be weighed up.

CLXXVI. And be it further enacted, That if any Waggon or other Carriage, Boat or Vessel, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain on any Part of the said Canal, Railway, or other Works, so as to obstruct the Passage or working thereof, and without any Person having the Care thereof or remaining therewith, or if the Person or Persons having the Care of such Waggon or other Carriage, Boat or Vessel, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, the Owner or Owners thereof, or the Person or Persons having the Care thereof, shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour every such Obstruction shall continue; and it shall be lawful for any Agent or Officer of or belonging to the said Company to cause any such Waggon or other Carriage, Boat or other Vessel, Goods, Merchandize, Article, Matter, or Thing, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, Boat or other Vessel, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any accidental Damage, Loss, or Injury occasioned by any such unloading or by any such Removal, or for any Delay occasioned thereby, nor in any other Way, save and except for wilful Damage done to any Waggon or other Carriage, Boat or Vessel, or to any Article so unloaded or removed; nor shall they be liable for the safe Custody of any Waggon or other Carriage, Boat or Vessel, or any Article, Matter, or Thing which shall be so removed, unless the same shall be detained by the said Company, and then only so long a Time as the same shall be so detained.

Penalty on obstructing Railway by leaving Waggon, &c.

CLXXVII. And be it further enacted, That all Persons opening any Gate set up across the said Railway shall, and he, she, and they is and are hereby required, as soon as he, she, or they, and the Waggon or other Carriage under the Care of such Person or Persons, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting to do

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

so



so shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned.

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

CLXXVIII. And for the better Regulation of the Owners of Waggon and other Carriages, Boats or other Vessels, and others employed by and under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing along the said Railway, and of any Boat or other Vessel passing along the said Canal, shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, or Boat or other Vessel, as the Case may be, to be entered with the Clerk of the said Company, and shall also cause such Name or Names and Place or Places of Abode and Number to be painted on some conspicuous Part of the Outside of every such Waggon or other Carriage in large White Capital Letters and Figures on a Black Ground, Two Inches high at least, and of a proportionate Breadth, or on some conspicuous Part of the Outside of the Stern or the Head of such Boat or other Vessel in large White Capital Letters and Figures on a Black Ground, Two Inches high at least, and of a proportionate Breadth, and so as to be above Water when fully laden, and shall also fix on each Side of every such Boat or Vessel Two Indexes of Copper, Lead, or other Metal, of such graduated Figures, describing the Weight and Tonnage, at such Distances, and under such Regulations as the said Company shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be ascertained, and shall permit and suffer every such Waggon or other Carriage, Boat or other Vessel, containing or intended to contain Goods, to be gauged, weighed, and measured respectively, at the Expence of the said Company, whenever it shall be required by them, or by any Person by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage, or the Number of Passengers or Cattle which the same can carry (as the Case may require), on some conspicuous Part of the Outside thereof; and every Owner or Owners or other Persons having the Care of any Waggon or other Carriage, Boat or Vessel, or who shall conduct or navigate the same upon the said Railway or Canal without having such Waggon or other Carriage, Boat or other Vessel (where required as aforesaid), previously gauged, weighed, and measured, or without having such Gauge and Weight or Number and such Names and Figures and Indexes marked thereon respectively as herein-before directed, or who shall alter, erase, or deface such Gauge and Weight or Number and Names and Figures or Indexes, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Number, Name, or Figure or Index, or who shall refuse to permit and suffer such Waggon or other Carriage, Boat or Vessel, to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

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

CLXXIX. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage, Boat or Vessel, passing upon the said Railway or Canal, shall be and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief which may be done by his, her, or their Waggon or other Carriage, Boat or Vessel,



Vessel, or for any of the Waggoners or Drivers, Boatmen or other Person or Persons belonging to or employed by him, her, or them respectively in or about the same respectively, to the said Railway or Canal; or to any Bridges, Engines, Embankments, Cuttings, Inclined Planes, Tunnels, Sluices, or other Works or Conveniences made or to be made or maintained by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, Boat or Vessel, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage, Boat or Vessel, shall for every such Damage, upon Conviction of any such Person before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath of some credible Witness, pay to the Person injured the Damages to be ascertained by some Justice, provided such Damages do not exceed the Sum of Twenty Pounds; and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, Boat or Vessel, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods or Chattels; or, if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage, Boat or Vessel, may be sued and prosecuted for the same in any of His Majesty's Courts of Record, and if a Verdict or Judgment shall be given against him, either upon Proof made or by Default upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

their Ser-  
vants.

CLXXX. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage, Boat or Vessel, passing upon the said Railway or Canal, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners or Drivers, or Boatman or Boatmen, then and in such Case every such Servant, or Waggoner, Driver, or Boatman, shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, Waggoner, Driver, or Boatman, although demanded, (such Oath to be made before some Justice of the Peace for the said County Palatine of Lancaster,) the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants, Waggoner, Driver, or Boatman, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants, Waggoner, Driver, or Boatman as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required

Owners may  
recover  
from their  
Servants  
any Sums  
paid for their  
Neglect.

[Local.]

14 M.

to



to commit such Servant or Servants, Waggoner or Driver to the 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.

Penalty on Persons defacing Boards containing Bye Laws.

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

Penalty on Persons obstructing the Passage of Waggon.

CLXXXII. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or other Carriage using the said Railway to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon, or shall leave or place any such Waggon or other Carriage, or shall permit the same to be left or remain, on any Part of the said Railway or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately remove the same so as to make a free Passage for other Waggon passing thereon respectively, every such Person, or, at the Option of the said Company, the Owner or Owners of such Waggon or other Carriage so loaded, left, or placed, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Penalty on Persons obstructing the free Course of Railway.

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

Penalty on destroying Works.

CLXXXIV. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Injury of the said Undertaking or of the said Company, injure, damage, break, throw down, destroy, steal, carry or take away any Part of the said Railway or other Works to be erected and made by virtue of this Act, or any Part of the said Canal, or any Part of the Materials of any such Works, any Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as in case of Felony; or, in mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs as in Cases of Simple Larceny.

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

CLXXXV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Railway (save and except the public Streets within the Townships of *Salford*, *Pendleton*, *Great Bolton*, *Little Bolton*, and *Bury*, or any of them respectively), or any other Person or Persons whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with



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

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

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

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

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

For every Ton of Coals, Culm, Lime, Limestone, or other Minerals, Timber, Stone, Clay, Bricks, Tiles, Slates, Goods, Merchandize; or other Things which shall be loaded, landed, or placed in or upon the said public Wharfs or any of them belonging to the said Company, and shall continue thereupon for any Time not exceeding Two Weeks, any Sum not exceeding One Halfpenny *per* Ton; and in case a greater Quantity of the said last-mentioned Articles or any of them than shall have been landed or placed in or upon the said Wharfs during such Two Weeks shall be left to remain in or upon any such Wharfs, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of One Halfpenny for every Ton over and above the Quantity which shall have been landed or placed in or upon such Wharfs during such Two Weeks, for every further or subsequent Week such

Rates.

Articles



Articles shall remain upon the said Wharfs after the Expiration of the said first Two Weeks, and so after that Proportion for any less Period than a Week.

Canal not to be subject to the Commissioners of Sewers.

CLXXXVIII. And be it further enacted, That the said Canal Navigation shall not be subject or liable to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers.

Regulating the Passage to, in, and from the Rivers Mersey and Irwell.

CLXXXIX. And whereas by the said first recited Act the Proprietors of the old River *Mersey* and *Irwell* Navigation were authorized and empowered to carry and convey upon the said Canal Stone from any Quarry upon the same Canal to the said old River, for the supporting and repairing of the Locks and Weirs thereof, and for the Foundation of Warehouses within the Waterway of the said Navigation, that now are or shall hereafter be erected thereon, and also rough Stone for the supporting and repairing of the Banks of the said Rivers *Mersey* and *Irwell*, without paying any Tonnage for the same respectively: And whereas it is expedient to continue the Provisions and Regulations of the said Act in relation thereto; be it therefore enacted, That it shall be lawful for the said Company of Proprietors of the said Rivers *Mersey* and *Irwell* Navigation, for the supporting and repairing of the Locks and Weirs, and for the Foundation of Warehouses within the Waterway of the same Rivers, and for supporting and repairing the Banks of the said Rivers *Mersey* and *Irwell*, and for no other Purpose whatsoever, to carry and convey upon the said Canal and intended Railway Stone from any Quarry upon the said Canal and intended Railway to the said old River, free from and without being liable to pay any Rate, Duty, or Tonnage for the same; and that it shall be lawful for the said Company of Proprietors of the said Canal and intended Railway, and all and every other Persons or Person whatsoever, navigating any Boat, Barge, or other Vessel upon the said Canal, or having or using any Waggon or other Carriage for the Conveyance of any Goods or Articles whatsoever on the said intended Railway, to unload and discharge the said Goods and Articles into and to navigate any Boat, Barge, or other Vessel with such Goods or Articles upon that Part of the said Rivers *Mersey* and *Irwell* Navigation between a Place called *Hunt's Bank* and the Weir called *Throstle Nest*, in the Parish of *Manchester* aforesaid, and to load and unload at any Wharf, Quay, or Landing Place thereon belonging or at any Time hereafter to belong to the said Company of Proprietors of the said old Rivers *Mersey* and *Irwell* Navigation, free from and without being liable to pay any Rate, Duty, or Tonnage whatsoever to the said Company of Proprietors of the said old Rivers *Mersey* and *Irwell* Navigation; and also that it shall be lawful for the said Company of Proprietors of the said Canal and intended Railway, and all and every other Persons or Person whatsoever navigating any Boat, Barge, or other Vessel upon the said Canal, or having or using any Waggon or other Carriage for the Conveyance of Goods on the said intended Railway, to navigate any Boat, Barge, or other Vessel laden with Coals, Stone, Lime, Limestone, Ironstone, Flags, Sand, Gravel, Clay, Bricks, Tiles, Slates, or other Minerals or Matters gotten out of the Bowels of the Earth, which shall be carried or conveyed in any Boats, Barges, or other Vessels passing from or into the said Canal into or from the said Rivers *Mersey* and *Irwell* Navigation,



tion; or which shall be carried or conveyed in any Waggons or other Carriages upon the said intended Railway, and transferred from such Railway into any Boats, Barges, or other Vessels upon the said *Mersey* and *Irwell* Navigation below the first Lock upon the same River, upon Payment to the said Proprietors of the said River *Mersey* and *Irwell* of such Sum as they shall from Time to Time demand, not exceeding the Sum of One Penny Halfpenny *per Ton per Mile*; and also Timber, Goods, and other Articles of Merchandize below such first Lock, upon Payment to the said Proprietors of the said *Mersey* and *Irwell* Navigation of such Sum as they shall from Time to Time demand, not exceeding the Sum of One Penny *per Ton per Mile*, and so respectively in proportion for every greater or less Distance than a Mile the said Articles, Goods, and Merchandize shall be carried and conveyed on the said Rivers *Mersey* and *Irwell* Navigation; and that when the Rate of Freight taken by the Proprietors of the said Rivers *Mersey* and *Irwell* Navigation, for the Carriage of Goods and Merchandize between the Towns of *Liverpool* and *Manchester* in the said County, shall be advanced beyond the Rate of Six Shillings *per Ton*, that then it shall be lawful for the same Proprietors to ask and demand from the said Company of Proprietors of the said Canal and intended Railway, and all and every other Person or Persons navigating any Boat, Barge, or other Vessel on the said Canal, or having or using any Waggon or other Carriage for the Conveyance of Goods on the said intended Railway, a further Rate of Tonnage for the said Timber, Goods, and Merchandize to be carried and conveyed on the said Rivers *Mersey* and *Irwell* Navigation, below the said first Lock on the same, in proportion to the advanced Rate of Freight to be taken over and above the said Sum of Six Shillings *per Ton*; provided such further increased Rate of Tonnage to be paid by the said Company of Proprietors of the said Canal or Railway, or such other Person or Persons as aforesaid, do not at any Time hereafter exceed the Sum of One Penny Halfpenny *per Ton per Mile*; or otherwise the said Company of Proprietors of the said Canal and intended Railway (at their own Option), and such other Persons or Person as aforesaid, shall pay to the said Proprietors of the said old Rivers *Mersey* and *Irwell* Navigation the Sum of One Penny Halfpenny *per Ton per Mile*, and no more; any thing in the said Act of the Seventh Year of the Reign of His said Majesty King *George* the First contained to the contrary thereof in anywise notwithstanding.

CXC. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Wares, and Merchandize, and other Articles, Matters, and Things which shall be on board of any Boat, Barge, or other Vessel which shall pass through the lowest Lock of the said Canal Navigation from the River *Irwell* in the Basin adjoining thereto, the Rate, Toll, or Duty of One Penny *per Ton*, and for the Tonnage of all such Goods, Wares, and Merchandize, Articles, Matters, and Things, which shall be loaded into any Boat, Barge, or other Vessel lying in the said Basin, and which Goods, Wares, Articles, and Things shall not have been previously carried or conveyed over or along the said Railway for the Purpose of passing from the said Basin

Company to take Tonnage for Vessels passing to and from the Basin of the Canal communicating with the River *Irwell*.

[Local.]

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into



into the said River *Irwell*, the Rate, Toll, or Duty of One Penny *per* Ton: Provided that no Boat, Barge, or other Vessel shall be allowed to remain in the said Basin (unavoidable Accidents excepted) for the Purpose of discharging and loading the Cargo thereof respectively for a longer Space of Time than Two Days, under the Penalty of Five Pounds for every Day over and above the Two Days above mentioned during which such Boat, Barge, or other Vessel shall so remain in the said Basin, and after One Day's Notice in Writing to some Person having the Care and Management of such Boats, Barges, or other Vessels, to remove the same,

Regulating  
the Calcula-  
tion for Ton-  
nage of  
Coals, &c.

CXCI. And whereas it is just and proper that for all Coals, Culm, Slack, and Stone carried and conveyed, and passing upon or along the said Railway and Branch and Canal, or any Part or Parts thereof, no Person or Persons should be charged with or liable to pay any greater Sum for the Tolls or Rates for the Tonnage, Carriage, and Conveyance thereof than the same were liable to pay by virtue of the said herein-before first recited Act; be it therefore enacted, That for every Fifteen Tons of Coal, Culm, Slack, and Stone which shall be carried or conveyed, or shall pass upon or along the said Railway and Branch and Canal, or any Part or Parts thereof, it shall not be lawful for the said Company of Proprietors to ask, demand, take, recover, or receive, or cause to be asked, demanded, taken, recovered, or received, any greater Sum for the Tonnage, Conveyance, or Carriage thereof than for Fourteen Tons in Weight, and so in proportion for any greater or less Quantity than Fifteen Tons in Weight.

Materials for  
Repair of  
Roads sub-  
ject to a  
Tonnage of  
One Half-  
penny.

CXCII. Provided also, and be it further enacted, That small Rubbish or waste Stones from Delves and Quarries, and also Paving and other Stones, Gravel, Sand, Timber, or Wood, and other Materials to be employed for the Purpose only of making and repairing of Water Banks, Sluices, or Trenches upon the said Canal and intended Railway, or of any public or private Roads, not being Turnpike Roads, in any Township, Village, or Hamlet through which the said Canal and intended Railway is or shall be made, shall not be subject or liable to any greater Rate of Tonnage upon the said Canal and Railway than after the Rate of One Halfpenny *per* Ton *per* Mile.

Power to  
make Con-  
tracts for  
the Use of  
Waggons  
and Power.

CXCIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized, by any Contract in Writing under the Seal of the said Company, to agree with any Person or Persons for the letting to Hire to him or them any Number of Waggons, with or without any locomotive or other Power, or any such Power to be used and enjoyed by such Person or Persons, upon the said Railway or Branch or any Part or Parts thereof, for such Time or Times, and upon such Terms and Conditions; and for such Compensation for the Use thereof, either by way of a Rate or Rates, according to the Time during which the same may be used and enjoyed, or otherwise as the said Company may determine; and the said Rate or Rates and Compensations shall be recoverable in manner herein-before provided for the Recovery of the Tolls and Rates of the said Company, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

CXCIV. And



CXCIV. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Rights, Powers, or Authorities vested in them by this Act to any other Company now existing, or which may hereafter be established for the Purpose of making and maintaining the said Railway, and the collateral Branch to communicate therewith, hereby authorized to be made, or any Part or Parts thereof.

The Powers vested in the Company by this Act shall not be alienable.

CXCV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal to use any Pleasure Boat or Boats upon the said Canal (not passing through any Locks, unless they shall first pay Tonnage equal to a Boat or Vessel carrying Six Tons, or obtain the Consent of the said Company of Proprietors,) without any Interruption from the said Company of Proprietors, and without paying any Rate for the same, so as the same be not made use of for carrying any Goods or other Things liable to pay Tonnage, and so as the same shall not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths on the Side thereof.

Power for Land Owners to use Pleasure Boats on the Canal.

CXCVI. And be it further enacted, That the Lord and Lords and Owner and Owners of all and every Manor and Manors through which the said Canal shall pass shall have and be entitled to the Right of Fishery of and in so much of the said Canal, Reservoirs, Trenches, and Sluices as shall be made over or through the Common or Waste Lands within his, her, or their Manor or Manors, and also in, over, or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords or Owner or Owners now have or hath, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of any other Lands or Grounds through which the said Canal shall pass shall also have and be entitled to the Right of Fishery of and in so much of the said Canal, Reservoirs, Trenches, and Sluices as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery in the said Canal, Reservoirs, Trenches, or Sluices, and the Towing Paths, Banks, or other Works and Conveniences thereto belonging, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, Reservoirs, Trenches, or Sluices, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal, Reservoirs, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by means of the letting off the Water out of the said Canal, Reservoirs, Trenches, or Sluices, for or upon account of Repairs of Works to be done in or about the same; provided that Ten Days Notice in Writing be given by the said Company of Proprietors to the Lord or Lords of any such Manor or Manors, and the Owner or Owners of such Land or Grounds, in, over, or through which such Parts of the said Canal, Reservoirs, or Trenches the Water whereof is intended shall be let off or discharged out of the same shall be made, previous to the letting off and discharging such Water; and that it shall be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Ground, being qualified by Law so to do, to take and kill Game upon so much of the said Canal, Trenches, Sluices,

Rights of Lords of Manors and of Land Owners to the Fishery reserved.



Towing Paths, and other Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through his or their Lands or Grounds as aforesaid.

Proprietors of Mines may make Cuts to communicate with the Canal.

CXCVII. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of any Mines of Coal, Ironstone, or other Minerals to make any navigable Cut or Cuts, Trench or Trenches, Soughs or Tunnels, through his, her, or their own Lands, and through the Banks and Towing Paths of the said Canal, in such Manner as he, she, or they shall think proper, not exceeding the Length or Distance of Four thousand two hundred and eighty Yards from the said Canal, to communicate with the said Canal, so that the same be done without diverting any Streams of Water which are necessary for supplying the said Canal, or which are or shall be necessary for the working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the said Navigation, and so as the Person or Persons making every such Cut, Trench, Sough, or Tunnel shall (if thereunto required by the said Company) make, erect, and maintain a Stopgate or Stopgates in every such Cut, in order to prevent the Water being drained or wasted out of the said Canal by means of making any such Cut, Trench, Sough, or Tunnel to communicate therein as aforesaid.

Company to keep open Canal from River Irwell to the Basin near the same.

CXCVIII. And be it further enacted, That the said Company shall and they are hereby required, at all Times hereafter, to keep open and maintain in good Repair and Condition, and supply with sufficient Quantities of Water, so much of the said Canal as lies between the said River *Irwell* and a certain Basin near the Junction of the said Canal with the said River, together with the said Basin, and also maintain all such Locks and other Conveniences for the passing of Boats or other Vessels, as now exist between the said River and Basin, of not less than the present Dimensions, and shall also make and maintain a proper and convenient Wharf for the loading and unloading of all Articles, Matters, and Things to be conveyed into or from the said Basin from or to the said River *Irwell*, and that the said Company shall also make and keep in good Repair a Cart Road or Way of proper and convenient Width, from *Oldfield Road* aforesaid, to communicate with the said Wharf, for the Use of all Persons trafficking upon the said Canal or Railway.

Lock-keepers and others not to give a Preference.

CXCIX. And be it further enacted, That if any Lock-keeper, Wharf-inger, or other Servant of or Person employed by the said Company of Proprietors shall give any Preference or show Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal, or to any Waggon or Carriage on the said Railway and Branch, or in loading or unloading or discharging any Goods, Articles, and Things at any of the Wharfs, Warehouses, Stages, Staiths, Weigh-beams, Cranes, and other Machines belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings for every such Offence.

Directing what shall be good Service of Notice on

CC. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceedings at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Committee



mittee of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or, in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

CCI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing or in Print, signed by the Clerk for the Time being, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company.

Notices given by the said Company may be signed by their Clerk or Treasurer.

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

For compelling Witnesses to attend.

CCIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by and on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the said Committee, in their own Names, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, and also to do, with the Approbation aforesaid, any other Matter or Thing in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings;

Committee may grant Releases to Witnesses.



ceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Common Seal of the said Company.

Recovery  
and Appli-  
cation of  
Penalties.

CCIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said County Palatine of *Lancaster*, on Complaint to them for that Purpose made upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justices are hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justices, rendering the Overplus, if any, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, and also one Moiety of such Penalties and Forfeitures as shall be incurred by the said Company, shall be paid to the Informer, and the other Moiety shall be paid to some one of the Overseers of the Poor, or to some other Officer of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the said County of *Lancaster*, whether the said Parish, Township, or Place shall or shall not contribute to such General Rate; and the Evidence of any Inhabitant of the said County shall be admitted in Proof of the Offence, notwithstanding such Application of the Fine incurred thereby; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices, and they are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until the Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justice of the Peace for the said County Palatine of *Lancaster*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day not to be more than Seven Days from the taking of any such Security), and which Security the said first-mentioned Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction



Correction for the said County, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

CCV. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever, done or committed by the said Company, or any Person acting by or under their Authority, any such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Twenty-one Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to the Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

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

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

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

CCVII. 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

Justices may proceed by Summons in the Recovery of Penalties.



against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

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

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

For securing transient Offenders.

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

Form of Conviction.

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

‘ *Lancashire* } BE it remembered, That on the  
 ‘ to wit. } Day of \_\_\_\_\_ in the  
 ‘ Year of our Lord \_\_\_\_\_ A. B. is  
 ‘ convicted before me C. D. One of His Majesty’s Justices of the Peace  
 ‘ for the County of *Lancaster*, [*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 Second Year of the Reign of King  
 ‘ *William* the Fourth, intituled [*here set forth the Title of this Act.*]  
 ‘ Given under my Hand and Seal the Day and Year first above written.’

Persons aggrieved may appeal to the Quarter Sessions.

CCXI. And be it further enacted, That any Body or Person whomsoever, who may think himself or herself or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order



Order of the said Committee or the said Company of Proprietors, 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, or any Adjournment thereof, to be held for the said County of *Lancaster*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Body or Bodies, Person or Persons against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justice shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or such Adjournment thereof, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace, or any Adjournment thereof to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved, by the Party aggressing, as they in their Judgment shall think just and reasonable.

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

Authenticated Bye Laws to be Evidence.

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

Proceedings not to be quashed for Want of Form.

CCXIV. And be it further enacted, That no Action or Suit, or any Information or other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to

Limitation of Actions.

[Local.]

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be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the said County of *Lancaster* and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Saving of  
Rights.

CCXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to 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*.

Company  
not to inter-  
fere with  
Rights of  
Manchester  
and Salford  
Water Com-  
pany.

49 G. 3.  
c. 192.

53 G. 3. c. 20.

56 G. 3. c. 12.

4 G. 4. c. 115.

CCXVI. Provided always and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Company of Proprietors of the *Manchester and Salford Waterworks* in virtue of all or any of the following Acts of Parliament; *videlicet*, an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for more effectually supplying with Water the Inhabitants of the Towns of Manchester and Salford, in the Parish of Manchester in the County Palatine of Lancaster*; an Act passed in the Fifty-third Year of the Reign of His said Majesty, intituled *An Act for enlarging the Powers of an Act of His present Majesty for supplying with Water the Towns of Manchester and Salford in the County Palatine of Lancaster*; an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act for altering, amending, and extending the Powers of Two Acts of His present Majesty's Reign, for supplying with Water the Inhabitants of the Towns of Manchester and Salford in the Parish of Manchester in the County Palatine of Lancaster*; and an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter and amend several*



*several Acts passed for more effectually supplying with Water the Inhabitants of the Towns of Manchester and Salford in the Parish of Manchester in the County Palatine of Lancaster, and for further extending the Powers and Provisions of the said Acts.*

CCXVII. And be it further enacted, That the said Company of Proprietors of the *Manchester and Salford* Waterworks shall at all Times have free and uninterrupted Access to all their respective Main Pipes, Service Pipes, and Branch Pipes; and in the event of its being necessary for the said Company hereby established to interfere with or disturb any of the Pipes of the said Company of Proprietors of the *Manchester and Salford* Waterworks, the said Company hereby established shall give Notice in Writing, to be left at the Office or Place of Business of the said Company of Proprietors of the *Manchester and Salford* Waterworks in *Manchester*, in manner following, (that is to say,) Three Months' Notice before they interfere with or disturb any principal Main Pipe, Seven Days Notice before they interfere with or disturb any Street, Main, or Service Pipe, and Twenty-four Hours Notice before they interfere with or disturb any Branch Pipes for supplying Houses, Buildings, or Works with Water; and in case any Injury or Damage shall be done to any such Pipes, or to any other of the Works or Property of the said Company of Proprietors of the *Manchester and Salford* Waterworks, by taking up, altering, relaying, or removing any of the Pipes aforesaid, then and in every such case the Expence of repairing and making good such Damage or Injury shall be borne by the Company established by this Act.

Manchester and Salford Water Company to have free Access to their Pipes.

CCXVIII. And it is hereby further enacted, That in every Case where the said Railway shall cross any of the Pipe or Pipes of the said Company of Proprietors of the *Manchester and Salford* Waterworks, now laid or hereafter to be laid in virtue of the said several Acts or any of them, that the said Company established by this Act shall, at their own proper Costs and Charges, before such Railway be formed, make good and substantial Arches or Culverts of Brick or Stone over the said Pipes or any of them, the better to enable the said Company of Proprietors of the *Manchester and Salford* Waterworks to have Access thereto for the Purpose of repairing, amending, or relaying the said Pipes; which said Arches or Culverts shall be constructed of the Height of Four Feet, at the least, and of the Breadth of Four Feet at the least; and the said Company hereby established shall for ever hereafter keep the same Arches or Culverts, at their own proper Costs and Charges, in good and substantial Repair.

Mode of laying the Pipes of the Manchester and Salford Water Company when crossed by Railway.

CCXIX. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the said Company out of the Money which shall arise or be received by virtue of the Powers of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Expences of the Act.

CCXX. 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.

Act to be deemed Public.

The



## The SCHEDULE to which this Act refers.

*Township of Salford in the Parish of Manchester.*

No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
6	Manchester, Bolton, and Bury Canal Company.		William Ellam and Co.	House and Coal Yard.
12	Ditto	John Brockbank	John Brockbank	Office, Shop, and Stone and Timber Yard.
13	Ditto	Fogg's Colliery Company.	Fogg's Colliery Company.	Office, Stable, and Coal Yard.
16	Ditto		Ellis Fletcher	House, Garden, and Coal Wharf.
19	Ditto		Andrew Knowles	House, Branch, Canal, and Coal Wharf.
22	George Jones		George Jones	Wharf and Timber Yard.
26	William Acton		James Cunningham	Garden.
27	Ditto		John Aldred	Cottage and Garden.
28	Ditto		Robert Travis	House and Garden.
	John Heap		Lot Grundy, Hannah Holstencroft, James Read, John Eastwood, Robert Mercer, Isaac Brown, Chas. Taylor, Joseph Aldred, Thomas Birch, Jane Rigby, Richard Bennett, Thomas Montgomery, John Kerfoot	Cottages.
31	James Johnson		James Johnson	Timber Wharf.
33	Thomas Sherratt and William Slater, as Executors of the late John Sherratt.		Thomas Boardman	Two Cottages, one unoccupied.
34	Ditto		Mrs. Sherratt	Garden.

*Township of Pendleton in the Parish of Eccles.*

1	Thomas Sherratt and William Slater, as Executors of the late John Sherratt.		Mrs. Sherratt	House and Garden.
5	Benjamin Williams, as Executor of the late James Ackers.	James Johnston	James Johnston	Brick Croft.
6	Ditto		John Lindsay and Charles Price.	Three Cottages, one unoccupied.
10	Reverend Mr. Booth, as Trustee of the Salford Charity.	George Clarke	George Clarke	Garden.
16	George Gardner		George Gardner	Plantation.
18	Ditto		Ditto	Garden.
19	Duchy of Lancaster	Simon Ashworth	Simon Ashworth	Garden.



No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
20	Duchy of Lancaster		Overseers of Pendleton	Workhouse, Yard, and Garden.
22	James Brooks		William Heywood, William Smith, Joseph Hulme, John Hooley, and James Garner.	Five Cottages and One Garden.
23	John Brettargh		John Brettargh	Dwelling House and Garden.
24	Richard Stelfox		Ralph Hobson	Garden.
26	Thomas Jefferies		Thomas Jefferies	Dye House and vacant Land.
27	James Kay		James Kay	Factory and vacant Lands.
28	Richard Stelfox		Ralph Hobson	Gardens.
29	Nathan Whitlow		John Shaw	Dye House.

*Township of Pendlebury in the Parish of Eccles.*

2	Andrew Knowles		Andrew Knowles	Steam Engine and Coal Pit.
4	Reverend Richard Buck		George Gardner	Cottage and Garden.
5	Ditto		Ditto	Road and Garden.
7	Andrew Knowles		Andrew Knowles	Engine and Coal Pit.
16	Reverend Richard Buck		Reverend Richard Buck	Plantation.
19	Ditto		James Westbrook	Fold, Garden, Lane, and Plantation.

*Township of Clifton in the Parish of Eccles.*

21	Richard Edensor Heathcote.		Charles Lee	Wharf.
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*Township of Pilkington in the Parish of Prestwich cum Oldham.*

18	The Earl of Derby	Henry Chadwick	John Wardle	Garden.
19	Manchester, Bolton, and Bury Canal Company.		Ditto	Lock House and Garden.
22	The Earl of Derby		The Earl of Derby	Woodland.
26	Ditto		Ditto	Ditto.
27	Ditto	Thomas Warburton	John Royle	Cottage and Garden.
28	Ditto	Manchester, Bolton, and Bury Canal Company.	Thomas Wardle	Garden.
31	Lord Derby		Manchester, Bolton, and Bury Canal Company.	Woodland and Orchard.
33	Manchester, Bolton, and Bury Canal Company.		Thomas Stopford	Giant's Seat Top Lock House.
38	The Earl of Derby		The Earl of Derby	Woodland.
46	Ditto	Reverend William Ellam	John Robinson, Edward Davies, and John Fetcher.	Three Cottages and Smithy.

[Local.]



No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
59	The Earl of Derby	Thomas Grundy, John Bently, and William Taylor, as Executors of the late John Grundy.	Widow Grundy and Robert Fray.	Gardens.
60	Ditto	Ditto	Ditto	Two Cottages and Shop.
62	Lord Derby	Robert Taylor	Robert Taylor	Cottage, Shop, and Stable.
63	Ditto	Ditto	Ditto	Garden.
65	Ditto		Ellis Whittaker	Three Crowns Public House and Gardens.
71	Ditto		Lord Derby	Woodlands.
73	Ditto		Ditto	Ditto.
74	Ditto		Ditto	Ditto.
76	Ditto		Ditto	Ditto.
80	Ditto		Ditto	Ditto.
82	Ditto		Ditto	Ditto.
84	Ditto	Richard Bridge	Richard Bridge	Cottage and Garden.
90	Ditto	James Seddon	Samuel Partington, Samuel Martin, William Martin, and Joseph Crompton.	Four Cottages and Dry House.
91	Ditto	Ditto	James Lord and Robert Crompton.	Two Cottages and Garden.
92	Ditto	Ditto	James Seddon	Warehouse.

*Township of Little Lever in the Parish of Bolton.*

1 a.	Benjamin Rawson		Benjamin Rawson	Woodland and Rocky Cliff.
1 b.	Ditto		Ditto	Vitriol Works and vacant Land.
3	Matthew Fletcher		Gideon Grime, George Swift, John Hickson, and Wm. Rushton.	House formed into Four Cottages.
4	Ditto		Ditto	Vegetable Plots attached to Cottages.
8	Robert Andrews	Andrew Knowles	Andrew Knowles	Coal Pit, Engine, and Ponds.
15	Ditto	Ditto	Ditto	Ditto.
16	Ditto	Ditto	John Morris	Vegetable Garden.
17	Ditto	Ditto	William Martin, John Morris, and William Allen.	One House or Cottage, with small Vegetable Plots attached.
18	Ditto	Ditto	William Martin, Thomas Martin, William Hamer, John Grundy.	Ditto.



*Township of Darcey Lever in the Parish of Bolton.*

No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
1 a	Mrs. Jones		Mrs. Jones	Dwelling House or Cottage, with Garden.
2	Ditto	Mr. Williams	Mr. Williams	Dwelling House.
3	Ditto	Messieurs Troutbeck and Clough.	Messieurs Troutbeck and Clough.	New Buildings for Chemical Works.
6	Ditto	Mr. Williams	Mr. Williams	Grass Plots.
7	Ditto	Ditto	Ditto	Ditto.
9	Mrs. Jones	Mr. Williams	Mr. Williams	Coal Pit, Engine, and Grass Land.
26 27	} Colonel Fletcher		James Oldham, Ralph Holcroft, Thomas Cragg, Mary Roscoe, Richard Greenhalgh, James Taylor, Richard Entwistle, William Halliwell, William Lomax, Roger Wellsby, Thomas Howorth, Benjamin Pollitt, George Taylor, John Entwistle, Richard Jackson, James Hulbert, William Greenhalgh, John Greenhalgh, Josiah Holcroft, Robert Greenhalgh, Joseph Blackley, Thomas Jones, Robert Openshaw, Jonathan Needham, Peter Stafford, Isaac Worthington, James Partington, and Robert Morris.	Cottages, and Vegetable Plots attached.
28	Lord Bradford	Charles Fray	Charles Fray	House and Plot.
29	Ditto	James Fray	James Fray	Ditto.
30	Ditto	Thomas Kay	Thomas Kay, William Openshaw, Mary Openshaw, Ottiwell Brooks, Robert Barnes, Nancy Gibson, John Davies, John Shawcross, Alice Meadows, Ralph Hulbert, Jas. Openshaw, Sarah Openshaw, and John Grundy.	House, Cottages, and Plots.
31	Lord Bradford	Joseph Brimelaw	Samuel Fletcher, George Hurst, Joseph Halstead, John Waring, Ann Webster, Richard Openshaw	Cottages.
34	James Bradshaw	Michael Suttle	Michael Suttle	Farmers Arms Public House and Plot.



*Township of Tonge with Haulgh in the Parish of Bolton.*

No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
4	Lord Bradford	Messieurs Horridge and Hulme.	Messieurs Horridge and Hulme.	Cotton Bleach Works called Reakes.
6	Ditto	Ditto	Ditto	Steam Engine.
7	Ditto	Ditto	Ditto	Ditto.
9	Ditto	Ditto	John Paton, Richard Waring, David Rose, and John Openshaw.	Cottages and Plot,
13	Ditto	Ditto	Mr. Preston	Cottage and Court Yard.
14	Ditto	Ditto	Ditto	Vegetable Garden.
19	Ditto	John Livesey	Mr. Hulme	Cottage at Strawberry Hill
20	Lord Bradford	John Livesey	John Livesey	Out Office.
21	Ditto	Ditto	Ditto	Paper Shed.
24	Ditto	Ditto	Ditto	Vegetable Garden.
25	Ditto	Ditto	Ditto	Waste Yard.
26	Ditto	Ditto	Ditto	Paper Works.
27	Ditto	Ditto	Ditto	Yard.
28	} Ditto	Ditto	Peter Dunville, Thomas Openshaw, Robert Openshaw, William Alcock, David Fairclough, Benjamin Crompton, John Osmond, John Holt, James Thornley, Josiah Holt, John Lyon, George Flowers, Thomas Ridyats, Edward Openshaw, John Swindlehurst, Michael Bryan, Robert Barratt, Thomas Barratt, William Grime, Timothy Smith, Matthew Blunt, John Tonge, Thomas Parr, John Rose, Mary Crashley, Robert Hilton, and Ralph Openshaw	Cottages.
29				
33	Ditto	John Smith	John Smith	Vegetable Garden.
34	Ditto	Mrs. Holland	Mrs. Holland	House and Plot.
36	Ditto		Lord Bradford	Plantation.
39	Ditto		Ditto	Vegetable Plot.
<i>Township of Great Bolton.</i>				
42	Bishop of Chester	Lord Bradford		Cottage and Rope Walk.
43	Ditto	Ditto	George Challenor, Benjamin Beswick, James Dobson, John Howarth, Robert Barnes, Mr. Lawson, Thomas Franklin, Elijah Pollitt, James Carrodus, James Lee, Samuel Taylor, James Lever, John Lomas.	Gardens.



## BURY BRANCH.

*Township of Pilkington in the Parish of Prestwich cum Oldham.*

No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
2	Lord Derby	William Ellam	William Ellam	Ellam's Colliery, Two Steam Engines, and Coal Pit.
3	Ditto	Lord Derby		Woodlands.
13	Ditto	Robert Unsworth	Robert Unsworth William Isherwood, and Thos. Echerley.	Three Cottages and Three Gardens.
23	Elizabeth Oakes	William Hallows and William Young.		Three Cottages (One unoccupied) and Two Gardens.
24	Earl of Wilton	Elizabeth Oakes		Orchard.
25	Ditto	Ditto		Farm House, Barn, Shippens, Fold, Garden, and occupied Road.
34	Ditto	Squire Horrox and Sons.		Stone Weir and Feeder.

*Township of Radcliffe in the Parish of Radcliffe.*

2	Lord Wilton	Squire Horrox and Sons.	Squire Horrox and Sons.	Nicker Hole Barns and Shippens.
4	Ditto		Lord Wilton	Woodland.
8	Ditto		James Allen	Ditto.
10	Ditto		Thomas Barlow	Ditto.
17	Ditto		Samuel Woods, Thomas Morton, Thomas Barlow, and James Allen.	Barn and Shippon.
18	Ditto		James Allen	Barn and Shippens, Dwelling House and Garden.
20	Ditto			House and Garden.
21	Ditto			House.
22	Ditto		Joel Walker	Barn, Shippon, and Fold.
26	Richard Denham		Leah Hampson	Public House and Bowling Green.
27	Lord Wilton		Ditto	Garden.
28	Richard Denham		Ditto	Ditto.
29	Ditto		Thomas Davenport	Ditto.
30	Ditto		James Hutten, Nancy Massey, Sarah Walker, William Buckley.	Cottages and vacant Land.
31	Ditto		Thomas Davenport, Mr. Denham, James Rothwell, John Mills, Richard Sandifort, Thomas Kirkman, Robert Tetlow, Ralph Bamford, James Massey, and James Ellerbeck.	Cottages.
38	Elizabeth Barlow		Elizabeth Barlow	Cottage.

[Local.]

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No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
39	Lord Wilton		Richard Pendlebury, William Hardman, and William Allen.	Three Cottages.
40	Ann Yates		Hugh Colinge and Thomas Reyner.	Two Cottages.
41	James Walker		John Davenport	Cottage.
42	Lord Wilton		Reverend Thomas Parkinson	House and Garden.
45a	Ditto		Samuel Kay	Barn and Shippon.
48	Ditto		William Pendlebury	Garden.
54	Ditto		Cornelius Pendlebury	Ditto.
80	Widow Radcliffe		John Knowles, James Hardman, and Matthew Wallworth.	Three Cottages and Two Gardens.
82	Ditto		Nathaniel Wallworth	House and Garden.
84	Ditto		James Hardman	Garden.

*Township of Elton, in the Parish of Bury.*

1	Lord Derby	William and Thomas Calrow.	James Ashworth, Robert Walker, Joseph Bradburn, James Howarth, and Samuel Holt.	Five Cottages.
2	Ditto	Ditto	Samuel Holt, David Lord, and Samuel Ashworth.	Three Gardens.
8	Ditto	Ditto	Robert Frost, Ellis Horrox, and Edmund Chadwick.	Three Cottages and Three Gardens.
9	Ditto	Ditto	Ellis Horrox	Stable.
11	Ditto	William Hardman	William Hardman	Dry House.
13	Ditto	William Hardman	Lawrence Nuttall and Richard Yates.	Two Cottages and Two Gardens.
14	Ditto	Ditto	Samuel Hamer, William Yates, James Berry, James Hardman, Richard Berry, Mark Berry, Betty Barrett, and Christopher Towers.	Seven Cottages and Four Gardens.
15	Ditto	Ditto	James Berry	Gardens.
16	Ditto	Ditto	William Hardman	Dry House.
21	Ditto	Ditto	Ditto	Bleach Works.
25	Michael Bentley		John Hopkinson, William Hopkinson, Peggy Fray, John Waterhouse, James Gregory, Thomas Ogden, James Heywood, John Bertisle, James Birch, and Christopher Towers.	Cottages.



## KEARSLEY MOOR BRANCH.

*Township of Clifton in the Parish of Eccles.*

No. on the Plan.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
5 16	Ellis Fletcher Ditto	Ellis Fletcher Ditto	Charles Lee Robert Chapman, Richard Sharples, Edward Rushton, John Wallworth, Thomas Clough, Joseph Sharples, John Sackfield, Mary Sackfield, Thomas Rushton, Lawrence Fogg.	Buildings and Garden. Dixon's Fold Build- ings.
19 29	Ellis Fletcher Ditto	Ellis Fletcher	Ellis Fletcher Ditto	Buildings. Garden.

*Township of Kearsley in the Parish of Dean.*

1	Ellis Fletcher		Catherine Barlow, Thomas Jackson, William Partington, Watkin Lord, and Richard Wallsby.	Five Houses and Gar- dens.
3	Ditto	Ditto		House.
10	George Cottingham		George Cottingham	Vitriol Works.
11	Mrs. Jane Jackson		William Seddon	House and Croft.

*Township of Farnworth in the Parish of Dean.*

4	Lord Bradford	William Young	William Young	House and Offices.
6	Ditto		Thomas Tonge	House and Plantations.
7	Ditto		Adam Roscoe and Thomas Irwin	Houses and Croft.
19	Thomas Tonge		Thomas Hirst and Edward Hirst.	Houses (One unoccu- pied).
34	Lord Bradford		William Young	Plantation.
40	Ditto	James Lord	James Lord	Ditto.
41	Ditto		Thomas Green	Ditto.

## COLLIERY BRANCH.

*Township of Clifton in the Parish of Eccles.*

3	Richard Edensor Heathcote.		Sarah Lawton	Fold and Garden.
4	Ditto		Samuel Holt	House and Garden.
6	Ditto		Sarah Lawton	Orchard and Croft.
7	Ditto		Ditto	Garden and Croft.
8	Ditto		Ditto	Gardens.



**MEMORANDUM FOR THE RECORD**  
**Department of Defense**  
**Washington, D. C.**

To: (Organization)	From: (Name)	Subject	Date
The Adjutant General Department of Defense Washington, D. C.	Mr. J. Edgar Hoover Federal Bureau of Investigation Washington, D. C.	Security Clearance of Personnel	10/15/54
Mr. J. Edgar Hoover Federal Bureau of Investigation Washington, D. C.	Mr. J. Edgar Hoover Federal Bureau of Investigation Washington, D. C.	Security Clearance of Personnel	10/15/54

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