



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. lvi.

An Act for making and maintaining a Railway from the Borough of *Wigan* to the Borough of *Preston*, both in the County Palatine of *Lancaster*, and collateral Branches to communicate therewith. [22d April 1831.]

WHEREAS the making and maintaining a Railway, together with the several Branches therefrom hereinafter mentioned, with proper Warehouses, Wharfs, Landing Places, Tunnels, Bridges, Works, and Conveniences adjoining thereto and connected therewith, for the Passage of Waggons and other Carriages properly constructed from or near the Borough of *Preston* in the County Palatine of *Lancaster*, in and through the several Parishes or Places hereinafter mentioned, and communicating with the *Wigan* Branch Railway at or near to the Borough of *Wigan* in the same County, will be a Work of great Public Utility and Advantage, by opening a short, convenient, and expeditious Communication for the Conveyance of Passengers, Goods, Wares, and Merchandize between the said Borough of *Wigan* and the said Borough of *Preston*, also by completing the Communication by means of Railway between the Towns of *Liverpool*, *Manchester*, and *Warrington*, and the said Borough of *Preston*, and by affording a cheap Supply of Coal to the Town of *Preston*: And whereas the several Persons hereinafter named are willing and desirous to make, establish, and maintain such Railway and Branches as aforesaid at their own proper Costs and

[Local.] 10 G Charges;

Proprietors
incorporated.

Charges; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Thomas Dalrymple Hesketh* Baronet, *Samuel Horrocks*, *William Marshall*, *Charles Swainson*, *George Jacson*, *Edward Wilson*, *Thomas Woodcock*, *Reece Bevan*, *Thomas Roby*, *Charles Holmes*, *William Brown*, *Samuel Hope*, *Thomas Sands*, *Robert Bickerstaff*, *Isaac Wilcockson*, *John Hargreaves*, *Joseph Wagstaff*, *Ralph Clayton*, *Samuel Edelston*, *Robert Gardiner*, *William Rathbone*, *James Lawrence*, *Hugh Hornby*, and all and every other Person or Persons, Body or Bodies Politic and Corporate, who shall hereafter become Subscribers to the said Undertaking for establishing the said Railway and Branches, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making and maintaining the said Railway and Branches, and Works incident thereto and to be connected therewith, according and subject to the Rules, Restrictions, and Regulations hereinafter mentioned and provided, and for that Purpose shall be one Body Corporate, and shall be known as such by the Name and Style of "The *Preston and Wigan* Railway Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity; and the said Company shall have full Power and Authority from Time to Time and at all Times to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company
empowered
to make
Railway
from Wigan
to Preston,
and Branches
therefrom.

II. And be it further enacted, That the said Company shall be and are hereby empowered, by themselves, their Deputies, Agents, Officers, Engineers, Servants, and Workmen, to make, complete, and maintain a Railway, with proper Warehouses, Wharfs, Landing Places, Tunnels, Bridges, Works, and Conveniences adjoining thereto or connected therewith, for the Passage of Waggons, Carts, and other Carriages properly constructed, commencing at or near to the Parliamentary Line of the *Wigan* Branch Railway within the Borough of *Wigan* in the County Palatine of *Lancaster*, and thence extending into or passing through the several Parishes of *Wigan*, *Standish*, *Leyland*, *Penwortham*, *Blackburn*, and *Preston*, all in the said County Palatine of *Lancaster*, or some of them, and also extending into or passing through the several Boroughs, Townships, Hamlets, or Places of *Wigan*, *Standish cum Langtree*, *Worthington*, *Coppull*, *Charnock Richard*, *Euxton*, *Leyland*, *Farrington*, *Penwortham*, *Walton le Dale*, and *Preston*, all in the said County Palatine of *Lancaster*, or some of them, and terminating at or near to *Dock Street* in the Borough of *Preston* aforesaid; and to make and complete collateral Branches to lead from and out of or be connected with the said intended Railway, one of the said collateral

Branches commencing by two Points, both in the said Parish and Borough or Township of *Wigan*, one of such Points commencing at or near to a certain Field there called the *Mesnes*, in the Occupation of the Honourable and Reverend *George Bridgeman*, and the other of such Points commencing at or near to a certain Field there called the *Further Hennis Mesnes*, in the Occupation of *Elizabeth* and *Jane Kenyon*, and extending into or passing through the said Parish and Borough or Township of *Wigan*, and terminating at or near to a certain Field called the *Pasture Field*, within *Wigan* aforesaid, in the Occupation of *Alexander Wigan*; also one other collateral Branch commencing in the said Township of *Charnock Richard* at or near to a certain Field there called the *Nearer Brow*, in the Occupation of *William Fell*, and extending into or passing through the said Parish of *Standish*, and through or into the several Townships, Hamlets, or Places of *Charnock Richard* and *Welch Whittle*, both in the said County Palatine of *Lancaster*, or one of them, and terminating at or near to the Turnpike Road in *Welch Whittle* aforesaid, leading from *Wigan* aforesaid, through *Standish cum Langtree* aforesaid, to *Preston* aforesaid; and also one other collateral Branch, commencing at or near to a certain Field in the said Township of *Penwortham* called the *Meadow*, in the Occupation of *Robert Billsborough*, and extending into or passing through or into the said several Parishes of *Penwortham* and *Blackburn*, and through or into the several Townships, Hamlets, or Places of *Penwortham* and *Walton le Dale*, or one of them, and terminating at or near to *Brownedge Lane* in the said Township of *Walton le Dale*, where the same is crossed by the Railway or Tramroad belonging to the *Lancaster Canal Company*; and also to make and maintain all such Inclined Planes on such Parts of the said Railway and Branches respectively as to the said Company may seem expedient, and to erect or use stationary or other Engines for the Purpose aforesaid.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person, Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to ascertain, set out, and appropriate, for the Purposes of this Act, such Parts thereof as they are by this Act empowered to take or make use of, for making and using the said Railway, and all such other Works, Matters, and 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 and Grounds of any Person, or Body Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway, which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining

Power to enter Lands and inspect and take Materials, &c. and remove Obstructions.

Power to
make and
erect Em-
bankments,
Bridges,
Tunnels,
Warehouses,
Engines,
&c.;

and to make
and manu-
facture ne-
cessary
Materials;

and also to
make Drains
and Con-
duits.

maintaining the same respectively, according to the true Intent and Meaning of this Act; and also, to make, erect, build, bank, excavate, cut, and set up, under or upon the said Railway or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Archings, Cuttings, and Tunnels, for passing under or over any Streets, Houses or other Buildings or Erections, also for passing any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams, or other Waters, and to alter the Course of or draw off such Water for such Time as may be necessary for completing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Wharfs, 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 Waggon or other Carriages passing upon the said Railway, and proper Places for such Waggon and other Carriages to turn, remain, stand, lie, or pass each other, and also such Ways and Roads to communicate with the said Railway, and such other Conveniences as the said Company shall think proper or necessary; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Archings, Cuttings, Tunnels, and other Works, in, upon, under, and across any Streets, Houses or other Buildings or Erections, or any Hills, Valleys, Roads, Rivers, Canals, Brooks and Streams, or other Waters, for the making, preserving, improving, using, maintaining, and repairing of the said Railway; and to make Drains or Conduits into, through, or under any Lands or Grounds near or adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or any Part thereof; and also to light the said Railway, and to lay and erect all Pipes, Lamps, Buildings, and other Works necessary for the same; and to construct, make, or do all other Acts, Matters, or 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, and 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

cient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby given, subject nevertheless to such Provisions and Restrictions as are hereinafter mentioned and contained.

IV. And be it further enacted, That the said Company shall, if required by *Robert Josias Jackson Norreys* of *Davy Hulme Hall* in the County of *Lancaster*, Esquire, or the Person or Persons for the Time being entitled to the Freehold or Inheritance of the Land next hereinafter mentioned, purchase the whole of the Land of the said *Robert Josias Jackson Norreys*, or the Person or Persons last aforesaid, between the said intended Railway and the said collateral Branch commencing in the said Township of *Penwortham*, the same not exceeding in Quantity Five Statute Acres; provided that the said Company shall not be required to purchase the same before the said collateral Branch shall be commenced.

Company, if required, to purchase certain Lands belonging to Mr. Norreys.

V. And be it further enacted, That the said Company shall be at liberty and they are hereby empowered to purchase and to take and make use of One hundred and fifty Yards in Breadth throughout the whole of the Lands and Grounds of the said *Robert Josias Jackson Norreys* in the Township of *Penwortham*, for the Purpose of making the said main Line of Railway and other Works belonging thereto, and getting Materials for the Construction thereof: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to take, purchase, or use for the Line of the said Railway, or for any other the Purposes of this Act, any greater Quantity of the Lands or Grounds of the said *Robert Josias Jackson Norreys*, in the said Township of *Penwortham*, than such One hundred and fifty Yards in Width, and the Land herein directed to be purchased, if required, between the said Railway and the said collateral Branch commencing in the said Township of *Penwortham*, without the Consent in Writing of the said *Robert Josias Jackson Norreys*, or other the Person or Persons entitled to the Freehold and Inheritance of the Lands or Grounds which shall be proposed to be taken; nor to authorize or empower the said Company, without such previous Consent in Writing, to get or take Materials for the Execution of any of the Works hereby authorized, from or out of any of the Lands of the said *Robert Josias Jackson Norreys*, except such Part thereof as they shall purchase under the Powers of this Act; and that in calculating the Width of One hundred and fifty Yards herein-before prescribed for that Part of the Line which extends from the *Ribble* Southward to the Boundary Fence against the Land belonging to the Heirs of *Thomas Wilson*, the same One hundred and fifty Yards shall be reckoned Eastward from the Foot of the Western Side of the Embankment, so that all Excavations which the said Company may make shall be on the Eastern Side of such Embankment, and as to the Residue of the Line of the said Railway proposed to pass over the Lands of the said *Robert Josias Jackson Norreys*, the One hundred and fifty Yards shall be reckoned by taking Seventy-five Yards on each Side from the Centre of the said intended Railway.

Company empowered to take 150 Yards in Breadth through Mr. Norreys's Land.

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VI. And

A Slope to be made at the Side of the Excavations in Mr. Norreys's Valley Lands, and a Thorn Fence planted at the Top of such Slope.

VI. And be it further enacted, That in case the said Company shall make any Excavation in Land taken by them from the said *Robert Josias Jackson Norreys* between the River *Ribble* and the Lands of the Heirs of *Thomas Wilson*, they the said Company shall form and maintain the Extremity or Slope of such Excavation adjoining the remaining Land of the said *Robert Josias Jackson Norreys*, on a Slope from the said remaining Land of Four Feet horizontal to One Foot perpendicular, down to the Bottom of such Excavation, and shall plant and maintain on the Brow or Top of such Slope, on the said remaining Land of the said *Robert Josias Jackson Norreys*, a good and sufficient Thorn Fence, properly guarded.

Construction of Steam Engines.

VII. And be it further enacted, That the Furnace of every Steam Engine to be used on the said intended Railway, under or by virtue of the Powers of this Act, shall be constructed on the Principle of consuming its own Smoke.

Ledges of Railway crossing Roads.

VIII. 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.

Width of Railway.

IX. 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.

Railway to cross Roads only by means of Bridges.

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

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

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

Regulating Ascent of Bridges for carrying Public Roads over the Railway.

XII. 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,

Bridge, and the Width of such Bridge between such Fences shall not be less than Twenty Feet.

XIII. Provided also, 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 said Gates shall be constantly kept shut except at such Times as Waggons, 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 Waggons, Carts, and other Carriages pass through; and every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any String of Waggons, 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 Waggons, Carts, or other Carriages shall have passed through the same, under the Penalty of Five Shillings for every Offence.

When Railway crosses Public Highways on a Level, Company to erect Gates on each Side.

XIV. And whereas the said Railway is intended to be carried over the Feeder of the *Leeds and Liverpool Canal* in certain Fields called *Pepper Mill Fields*, in *Wigan* aforesaid, and over the River *Douglas* within the Township of *Wigan* aforesaid, and it is expedient to provide against Obstructions being occasioned thereby to the free Passage of the Water in the said Feeder or in the said River *Douglas*; be it therefore enacted, That in carrying the said Railway over the said Feeder of the said Canal the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, to erect and build a good and substantial Culvert of Brick and Stone over the said Feeder, upon which Culvert the said Railway shall be made, and such Culvert shall be of the Diameter of Three Feet Six Inches at the least, in order that the Water of such Feeder may pass without Impediment or Interruption into the said Canal; and in carrying the said Railway over the said River *Douglas* the said Company of Proprietors shall and they are hereby required, at their own Expence, to erect and build a good and substantial Bridge, Arch, or Culvert, of such Materials as the said Company may think proper, over the said River, upon which Bridge, Arch, or Culvert the said Railway shall be made, and such Bridge, Arch, or Culvert shall be so constructed as that the Water of the said River may pass under the same without Impediment or Interruption.

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

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

Company to maintain Bridges, Culverts, &c.

XVI. And whereas a Map or Plan describing the Lines of the said Railway, and the Lands and Grounds in, through, under, over, and upon

Plan and Book of Reference to be

open to In-
spection.

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 said County Palatine of *Lancaster*, and a like Map or Plan and Book of Reference have been deposited with the Clerk of the Peace for the Borough of *Wigan*; 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 may have Liberty to inspect and peruse and make Extracts from and Copies of the same, at all reasonable Times, paying to the said Clerks respectively for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than 100 Yards from Plan.

XVII. 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, and also that in making such Railway through the *Swinley Estate* in *Wigan* aforesaid the said Company shall not deviate to the Eastward from the Course or Direction thereof as delineated in the said Map or Plan, and also that in making such Railway through the Lands or Grounds of the said *Robert Josias Jackson Norreys* in the said Township of *Penwortham*, shall not deviate from the Course or Direction thereof as delineated in the said Map or Plan more than Thirty Yards to the Westward, opposite the Farm Buildings now in the Occupation of the said *Robert Josias Jackson Norreys*, nor more than Fifty Yards through the Remainder of such Lands, without the Consent in Writing of the said *Robert Josias Jackson Norreys*, or the Person or Persons for the Time being entitled to the Freehold or Inheritance of the said Lands or Grounds.

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

XVIII. Provided always, and be it further enacted, That if it shall be made to appear to any One or more of His Majesty's Justices of the Peace acting in and for the said County Palatine of *Lancaster*, and be by him or them certified accordingly by Writing under their Hands, that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments mentioned in the said Book of Reference, or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or that any other Person or Party interested therein or in any Part thereof is or shall have been, by Mistake or otherwise, misnamed or incorrectly or insufficiently described, or that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments which by this Act it is intended should be taken and used for the Purposes thereof, or any Part thereof, or the Owners or Proprietors thereof or other Persons interested in any Manner therein, or any of them, are or shall have been

omitted or left out of the said Book of Reference and Schedule, of misnamed, or not otherwise noticed or described, such Mistake, Misnomer, incorrect Description, Omission, or Defect shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Purchase of any and every Part of the said Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, under the Provisions of this Act, but the same shall and may be valued, sold, purchased, conveyed, or 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.

XIX. 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 before the Thirteenth 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, Park, Paddock, Plantation, planted Walk, 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 the Schedule.

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

Communications with the *Wigan* Branch Railway to be made under the Direction of their Engineers.

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

Not to take the Land or interfere with the Works of the *Wigan* Branch Railway, without Consent.

XXII. 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

Provision for Injury to Roads.

[*Local.*]

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Carriages,

Carriages, or to Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot be more easily restored; and where the Road cut through, raised, sunk, or passed over shall be a Turnpike Road, a 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.

Company not to make a certain Part of their Railway till after an Agreement with the Lancaster Canal Company to take up their Railway in Walton-le-Dale.

XXIII. Provided also, and be it further enacted, That nothing contained in this Act shall extend or be deemed or construed to extend to authorize or enable the said Company to enter into and upon the Lands of any Person or Persons whomsoever, for the Purpose of making the said extended collateral Branch Railway from the said Field called the *Meadow*, in the Township of *Penwortham* aforesaid, to *Brownedge Lane* in the Township of *Walton-le-Dale*, without having first obtained from the Company of the Proprietors of the *Lancaster Canal Navigation* an Undertaking that within Six Calendar Months from the Completion of such Branch Railway they will take up their present Railway or Tramroad in *Walton-le-Dale* aforesaid.

Protection for the Property of the Misses Kenyon.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall be deemed or considered to authorize or empower the said Company, or their respective Agents, Officers, Engineers, Servants, Workmen, or others, to set out, make, or form, or do any Act, Matter, or Thing in or about the setting out, making, or forming, all or any Part of that Part of the said extended collateral Branch Railway terminating at or near to a Field called the *Pasture*, within *Wigan* aforesaid, in the Occupation of *Alexander Wigan*, which runs or extends across and beyond *Frogg Lane* in *Wigan* aforesaid, or into the Estate in *Wigan* aforesaid called the *Meadows Farm*, without the Consent in Writing of *Elizabeth Kenyon* and *Jane Kenyon*, or other the Owners of that Estate for the Time being, first had and obtained for that Purpose.

Protecting the Property of certain Individuals from being taken.

XXV. Provided always, and be it further enacted, That nothing herein contained shall be deemed or considered to authorize or empower the said Company, or their respective Agents, Officers, Engineers, Servants, Workmen, or others, to set out, make, or form, or do any Act, Matter, or Thing in or about the setting out, making, or forming, of all or any Part of that Part of the said intended Railway which runs or extends between the Southern Extremity of the said intended Railway where the same is intended to form a Junction or Communication with the Line of the *Wigan Branch Railway*, and certain Fields or Closes of Land respectively numbered 163, 165, 166,

166, 167, and 168 in the Map or Plan and Book of Reference herein mentioned to be deposited with the Clerk of the Peace of the said County Palatine of *Lancaster*, without the Consent in Writing of the Right Honourable *James Earl of Balcarras*, Sir *Robert Holt Leigh* Baronet, *Molly Penson* of *Wigan* aforesaid, Widow, and *Henry Gaskell* of the same Place, Gentleman, or other the Owners of such Land, first had and obtained for that Purpose; or to set out, make, or form, or do any Act, Matter, or Thing in or about setting out, making, or forming, any Part of the said Railway within, upon, or through the Premises of *John Lord* of *Wigan* aforesaid, Gentleman, and numbered in the said Map or Plan 98, 99, 100, 101, 102, and 103, without the Consent in Writing of the said *John Lord*, or other the Owner of such Premises, for that Purpose first had and obtained; or to set out, make, or form, or do any Act, Matter, or Thing in or about setting out, making, or forming, any Part of the said Railway within, upon, or through the Premises of the Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, and numbered in the said Plan 230, 231, 232, without the Consent in Writing of the said Company of Proprietors under their Common Seal for that Purpose first had and obtained.

XXVI. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be deemed or construed to extend to authorize or enable the said Company to enter into or upon, or to join or connect the said Railways, or any of the Branches or Works hereby authorized to be made or executed, to or with the Canal, Railway, Tramroad, or other Works, Lands, Wharfs, Buildings, or Property of the Company of Proprietors of the *Lancaster* Canal Navigation, or to take or use the same or any Part thereof, or in anywise to interfere with any of the Powers granted by the several Acts of Parliament for making and maintaining the said Canal, without the Consent of the said Company of Proprietors in Writing under their Common Seal, or of their Committee for the Time being, first had and obtained.

Company not to interfere with the *Lancaster* Canal without Consent.

XXVII. Provided always, and be it further enacted, That in making the said Railway across or through the Lands belonging to *John Barton* Esquire, and now in the Occupation of Doctor *Robinson*, lying in the Township of *Preston*, and in the Plan deposited with the Clerk of the Peace for the said County of *Lancaster* numbered respectively 117, 126, 127, 128, 129, 130, and 131, the said Company shall not be allowed to purchase or take more of such Lands than will be immediately necessary to make and construct the said Railway, without the Consent in Writing of the said *John Barton*, or other the Owner of such Lands, for that Purpose first had and obtained; nor shall the said Company, without the like Consent, make the said Railway, or any Side or Part thereof, across or through the said Lands of the said *John Barton*, in a shorter or nearer Situation than Eighty Yards from such Railway or any Part thereof, to the South-westerly Corner of the Messuage or Dwelling House upon the said Lands, and in the Occupation of the said Doctor *Robinson*.

Company not to take more of Lands of *John Barton* Esq. than is necessary for the Railway.

XXVIII. And be it further enacted, That if the said Company shall, without the Consent in Writing of the said *John Barton*, or other the

Penalty for taking more than neces-

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sary for
Railway, or
coming
nearer than
Eighty Yards
from thence
to the Dwell-
ing House.

the Owner of the said Land, take more of the said Lands than necessary for the said Railway, or shall make the said Railway or any Side or Part thereof, in any Situation nearer than Eighty Yards from thence to the said South-westerly Corner of the said Messuage or Dwelling House, the said Company, their Agents, Servants, and Workmen, shall be deemed Trespassers *ab initio*, and shall be liable to be proceeded against as such by the said *John Barton*, his Heirs and Assigns, Owner and Owners of the said Lands, whether he or they may be in the actual Possession thereof or not.

Company to
erect Walls
along Sides
of Railway
over Mr.
Barton's
Lands.

XXIX. And be it further enacted, That the said Company forthwith, in making the said Railway across or through the said Lands of the said *John Barton*, shall, at their own Costs and Charges, erect, build, and finish, and for ever afterwards maintain, a Stone Wall on the Easterly Side of the said Railway, and to the whole Extent thereof across the said Lands, and on the Westerly Side of the said Railway from the Point where the same enters the said Lands from the South up to and adjoining the Bridge next hereafter mentioned, which Walls shall be of sufficient Thickness, and of the Height of Seven Feet above the present Surface of the Land on which the same are intended to be built, and further, that the said Company forthwith, on making the said Railway and Walls, shall also, at the like Costs and Charges, erect and build, and for ever afterwards maintain, a Stone Bridge over the said Railway in the deepest Part of the Cutting through the said Lands of the said *John Barton*, and not exceeding Twenty-one Feet in Width between the Parapet Walls thereof, for a Communication from such of the said Lands as will be on one Side of the said Railway to those on the other Side thereof; and further, that the said Company shall also, at the like Expence, forthwith, on entering the Lands of the said *John Barton* for making the said Railway, make and complete upon the said Lands a new Approach and Way over the said Bridge to the said Messuage or Dwelling House occupied by the said Doctor *Robinson*, in such Line and Manner as the said *John Barton*, or the Owner of the said Lands, may direct; and in the Event of the said Company not building and completing and maintaining the said Walls and Bridge, and not making and completing the Approach and Way to the said Dwelling House as aforesaid, or not performing any of those Works as aforesaid, it shall and may be lawful for the said *John Barton*, or the Owner of the said Lands, to execute and perform the same, or such Part or Parts thereof respectively as may remain unexecuted and unperformed or unfinished by the said Company; and all the Expences of the Work hereby conditionally authorized to be done by the said *John Barton*, or the Owner of the said Lands, shall be repaid by the said Company to the said *John Barton*, or the Owner of the said Lands, upon Demand thereof made to the said Company, or to any Clerk or other Officer thereof; and in default of such Payment any Justice of the Peace for the said County Palatine of *Lancaster* may, on Application of the said *John Barton*, or the Owner of the said Lands, by Warrant under his Hand and Seal, cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Company, and to be paid to the said *John Barton*, or the Owner of the said Lands, rendering the Overplus (if any), on Demand, after deducting the
Costs

Costs and Charges of and attending such Distress and Sale, to the said Company; or otherwise the said *John Barton*, or the Owner of the said Lands, shall and may sue for and recover the same, with Costs of Suit, against the said Company, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Courts of Common Pleas at *Lancaster*.

XXX. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty-two Yards in Breadth, except in such Places where any Branch of or Communication with the same shall fall into or communicate with the main Course of the same, or where it shall be judged necessary for 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 Weigh-beams may be erected, or where any Place or Places may be set out 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 Railway, and not above Two hundred Yards in Breadth at any Place, except at or near the Termination of the said Lines of Railway and Branches within the Boroughs or Townships of *Wigan*, *Welch Whittle*, *Penwortham*, *Walton-le-Dale*, and *Preston* respectively, and at or near the Communication between the main Line and the Branches respectively, where Places not exceeding Four hundred Yards in Length by Two hundred 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 the said Railway.

Breadth of Land to be taken for the Railway.

XXXI. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall have been set out and ascertained for making the said Railway or any Part thereof respectively, and for providing and constructing the Works and Conveniences hereby authorized to be made, 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 behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, 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

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

[Local.]

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convey

or they would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, he, she, or they shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him, her, or them in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment or Appointments of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, as hereinafter mentioned.

XXXIII. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are holden or Parcel, shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail General or Special, or where he, she, or they cannot, either by levying a Fine or Fines, or suffering a Common Recovery or Common Recoveries, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of, under the Direction and with the Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purpose thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements of which a Part only shall be or shall have been taken for any of the Purposes of this Act shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled shall then be settled or assessed by the Verdict of a Jury, if required, in manner hereinafter mentioned; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy or Remedies for the Recovery of such Rents, after the Apportionment thereof; and if the Lord or Lords, Lady or Ladies; of any Manor whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Parcel shall

Lords of Manors under Incapacity enabled to enfranchise Copyholds and Apportionments.

shall have refused or declined to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, or other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements, or any Part or Parts thereof, shall not be ultimately required for the Purposes aforesaid or any of them, and shall be sold and disposed of by the said Company under the Authority to them given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

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

XXXIV. And be it further enacted, That in all Cases where, in making the said Railway or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Common or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person, having such Estate or Interest in the Manor wherein such Common or Waste Grounds shall be situate, (or if the same shall not be the Waste of any Manor then having such Estate or Interest in the Soil of the said Lands, Tenements, or Hereditaments,) as the Body or Bodies Politic, Corporate, or Collegiate, or Persons, who are herein-before enabled to sell other Lands, Tenements, and Hereditaments, have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Grounds as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Rights shall extend over and be exercised and enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such
Common

Common or Waste Grounds, the Compensation for the Relinquishment thereof shall be paid to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in the Manner by this Act directed (as the Case may be); provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or over such Common or Waste Grounds, and whose said Estates in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the whole of the Estates which have such Common Right, shall also, in like Manner, be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds.

XXXV. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall be applied to by or on behalf of the said Company to treat for, sell, dispose of, or convey, for any of the Purposes of this Act, any Part or Parts of any House or Building, or of any vacant Plot or Parcel of Building Land, which the said Company are empowered to purchase by virtue of this Act, within the Townships of *Preston* and *Wigan* aforesaid, and shall, by Notice in Writing to the said Company, within Forty Days next after such Application, signify his, her, or their Inclination or Desire to treat for, sell, dispose of, and convey the whole of such House, Building, or Building Land, and it shall happen that the said Company shall not think proper or be willing to purchase the whole of such House, Building, or Building Land, then and in every such Case nothing in this Act contained shall extend or be construed to extend to compel the respective Body or Bodies, or Person or Persons interested therein, to treat for, sell, dispose of, or convey Part only or less than the Whole of every such House or Building, with the Offices and Appurtenances adjoining and belonging thereto, or to sell or dispose of Part only or less than the Whole of such vacant Plot or Parcel of Building Land, provided such vacant Plot or Parcel of Building Land shall not exceed Seven Yards on each Side of the said Railway; any thing herein contained to the contrary in anywise notwithstanding.

The Whole of the Property in certain Cases to be purchased in the Townships of *Preston* and *Wigan*.

XXXVI. And be it further enacted, That if in the Execution of any of the Powers of this Act any Parcels of Land, except such Parcels of Buildings or Building Ground as lie within the Townships of *Preston* and *Wigan* herein-before provided for, shall be cut through and divided, so that what shall be left thereof, on both Sides or on either Side of the said Railway, shall be less than One Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require,

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

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quire, but not otherwise, the said Company shall also purchase the Land so left on both or either of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land to be taken and used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left, he may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land of such Owner, by removing the Fences and levelling the Scites thereof, and soiling the same in a sufficient and workmanlike Manner: Provided always, that if any Land which shall be so severed and left shall be less than One Statute Acre in Quantity, and the said Company shall be called upon or find it expedient to erect or make a Bridge or Culvert in order to make a Communication between the same and the main Land from which it shall be so severed, the said Company shall have Power, if they shall think fit so to do, to purchase the Land which shall be so severed and left, and which shall be less than One Statute Acre in Quantity as last aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land to be taken and used for the Purposes of this Act.

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

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give the said Company any Mines, or any Coals, Stone, Slate, or other Minerals, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much of such Mines, Coals, Stones, Slates, or other Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Coals, Stone, Slate, and other Minerals, except as aforesaid, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or any Railway or other Works of the Company, as if this Act had not passed, but so nevertheless as not in any Manner to prejudice or injure the said Railway, Wharfs, or other Works and Conveniences hereby authorized or directed to be made.

Provision to prevent Railway being injured by working Mines.

XXXVIII. Provided always, and be it further enacted, That whenever, in the working or getting of any such Mines, Coals, Stone, Slate, or other Minerals, the Owners or Lessees, or other Persons working the same, shall approach within Forty Yards of any Masonry or Building belonging to the said Company, the Owner, Lessee, or other Person directing the Work of any such Mines, Coals, Stone, Slate, or other Minerals shall give Notice thereof in Writing to the said Company, and within Twenty-one Days after the Service of such Notice the said Company shall deliver to such Owner, Lessee, or other Person a Declaration in Writing under their Common Seal, whether they require the Coal under such Masonry or Building so lying within Forty Yards thereof, or so much thereof as the said Company shall in such Declaration specify, to be reserved for the Protection of such Masonry or Building, and in that Case the said Company shall purchase and pay the Owner, Lessee, or other Person entitled to the same, for the Mines, Coals, Stone, Slate, or other 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 Mines, Coals, Stone, Slate, or other Minerals so reserved, the same shall be settled by a Jury in manner hereinafter mentioned; and in case the said Company shall not desire the said Mines, Coals, Stone, Slate, or other 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 Mines, Coals, Stone, Slate, or other 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 to be made as may be.

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

Satisfaction to be made for Lands taken for the Railway.

XL. And for settling all Differences which may arise between the said Company and the several Owners of or the Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Wells, and Springs, Waters or Watercourses, which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person so interested, entitled, or capacitated to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Company as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company, or if such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Company,

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

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

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 of the Premises they may be in Possession of, or to the Interest they shall claim therein; then and in every such Case the said Company may and shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the said Lands, Tenements, and Hereditaments in question shall be situate, or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County not interested as aforesaid, commanding such Sheriff or Coroner or other Person to empanel, 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 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 to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that

that can speedily be 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 to view the Place or Places or Matter or Matters in controversy; and such Jury shall, upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum and 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 of which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

XLI. Provided also, and be it further enacted, That in 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, Occupier or Occupiers of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments, belonging to

Value of Land and Damages to be ascertained separately.

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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 Lands, Tenements, or Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company; such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Compensation Money to be apportioned.

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

Verdicts to be recorded.

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

Penalty upon Sheriff, Jurors, or Witnesses making default.

XLIV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit 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, and their Costs and Expences, or appearing shall refuse to be sworn 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

be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

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

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

XLVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for the same or more Money than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, as a Compensation or Recompence for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning such Jury, and the Expences of Witnesses, shall be borne by the said Company; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same, within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods and 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

By whom Expences of Juries shall be paid.

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

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

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

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

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

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

XLIX. And be it further enacted, That, upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury, in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments,

ditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Thirty Days after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as hereinafter directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and Hereditaments respectively, and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder, or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company or any Person acting under their Authority, to bore under, dig, or cut into such Lands, Tenements, or Hereditaments, for the Purpose of making the said Railway or other Works hereby authorized to be made, without the Consent of the Owners and Occupiers thereof in Writing made under their respective Hands.

L. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purpose of this Act, and who shall have no greater Interest in the Premises than as a Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors hereby established, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Three Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or

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at such other Time after the Expiration of Three Calendar Months as he, she, or they shall be required to give up such Possession; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interests of such Tenants may be settled by a Jury.

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

Persons holding under Leases to produce the same.

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

Mortgagees to convey to Company after Tender.

LIII. And be it further enacted, That all and every Person and Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage), shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and

transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall 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 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 thereout to any Tenant or Lessee 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

and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

LIV. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company of the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so settled and agreed upon or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign, as 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 hereinbefore contained such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

Application of Compensation Money when amounting to 200%.

LV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee,

Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Preston and Wigan* 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 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 Interests 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, or settled.

LVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of
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and ex-
ceeding 20%.

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 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 hereinbefore directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is hereinbefore directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less
than 20%.

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

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

LVIII. And be it further enacted, That in case the Person or Persons to whom any Sum of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company; or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and

with

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

LIX. Provided also, 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 Interests 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 the Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

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

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

of

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.

Enabling
the Com-
pany of Pro-
prietors to
sell Lands
not wanted.

First Offers
to be made
to Owners
of adjoining
Lands.

LXI. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by Public Auction or Private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof notwithstanding: Provided always, that the said Company, before they sell and dispose of any such Piece of Land or Ground (save and except such Land or Ground as shall be within the Townships of *Wigan* and *Preston*, and also such Land or Ground as the said Company may, under and by virtue of the Powers hereinbefore contained, purchase from Persons willing or desirous to sell the same), shall first offer to sell the same to the Person or Persons whose Land or Premises shall immediately join the Lands or Grounds so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire or Intention to purchase such Lands, Tenements, and Hereditaments, for the Space of Fifteen Days, then and in every such Case, an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, or of the said Borough of *Wigan* or *Preston*, (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 refused or declined or was not accepted or agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then and in
such

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 the 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.

LXII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from or by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person and 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.

LXIII. And whereas it may tend to the public Advantage and Accommodation if the said Company were empowered to purchase any Quantity of Land in addition to the Lands, Tenements, and Hereditaments which they are herein-before enabled to take and enter upon as aforesaid, not exceeding Forty Statute Acres, and also to purchase any Messuages or other Buildings, for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and 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, Corporation 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 Forty Statute Acres, in such Place or Places as shall be deemed eligible or convenient for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, loading, depositing, or keeping any Coals, Merchandize, or other Articles or Things carried or conveyed, or intended to be carried or conveyed, upon the said Railway, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway and Branches which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings,

Power to purchase Lands for Wharfs, &c.

[*Local.*]

10 P

ings,

ings, Tenements, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is hereinbefore directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purposes of forming, making, and maintaining the said Railway and Branches.

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

LXIV. 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, 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 herein-before mentioned shall not exceed at any One Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Restraining the Company from purchasing more than Forty Acres from incapacitated Persons.

LXV. And whereas the said Company are enabled to purchase Forty Statute Acres of Land, by virtue of this Act, for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Railway, and all Bodies and 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 Corporate or Person, being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Person, being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore further enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for Charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, 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 Forty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Forty 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

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

LXVI. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantee or Grantees, according to the Quality or Nature of such Grantee or Grantees, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them; were at the Time of the Execution of such Conveyance seised or possessed of the Lands, Tenements, and Hereditaments 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 all Incumbrances done or occasioned by them; and 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 and 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, or Assigns respectively, according to his, her, or their Quality or Nature, and the Estate or Interest expressed to be conveyed, shall or may, in any Action or Actions to be brought, assign Breach or Breaches thereupon, as he, she, or they might do in case such Covenants were expressly inserted in such Conveyance.

The Word "grant" in Conveyances to operate as certain Covenants.

LXVII. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted,

Deficiencies in Land Tax to be made good by Company.

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 the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

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

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

Certificate
may be re-
quired under
the Hand of
a Justice of
the Peace of
Proof that
250,000^l. has
been sub-
scribed.

LXIX. Provided always, and be it further enacted, That in case the Owner or Proprietor of or any Person or Persons interested in any Houses, Buildings, Lands, Tenements, or Hereditaments authorized to be taken by virtue of this Act, shall require the said Company to specify or shew that the whole Amount of the said Sum of Two hundred and fifty thousand Pounds has been subscribed as hereinbefore mentioned, the said Company shall and they are hereby required so to do by the Production of a Certificate in Writing to that Effect under the Hand of any One Justice of the Peace of the said County of Lancaster, and which Certificate shall be and be deemed good and sufficient Evidence of the Fact of the whole of the said Sum of Two hundred and fifty thousand Pounds having been subscribed.

Proprietors
to raise
among them-
selves the
Sum of
250,000^l., to
be divided
into Shares
of 100^l.
each.

LXX. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a Sum of Money for making and completing the said Railway and Branches, and the Inclined Planes, Ways, Yards, Quays, Wharfs, Bridges, Piers, Arches, Embankments, Cuttings, Tunnels, and other Works belonging or requisite thereto, and for erecting, purchasing, and providing Houses, Warehouses, Toll Houses, and other Buildings, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines and Machines, and other Works and Conveniences, not exceeding in the whole the Sum of Two hundred

and fifty thousand Pounds, the whole to be divided into Two thousand five hundred Shares of One hundred Pounds each; and such Two thousand five hundred Shares shall be numbered, beginning with Number One, in Arithmetical Progression, whereof the common Excess or Difference shall be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares (or such Sum or Sums as shall be demanded in lieu thereof) towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled unto and receive, (at such Time and Times as the said Company or their Directors shall at any General or Special Meeting, to be convened for that Purpose in such Manner as Meetings on other Occasions are directed to be convened, direct and appoint,) in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, or Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in the Manner herein directed and appointed.

LXXI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be
Personal
Property.

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

To compel
Payment of
Subscrip-
tions.

[*Local.*]

10 Q

LXXIII. And

Directing
how Sub-
scribers
shall vote.

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

Form of
Proxy.

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

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

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

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

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

Minors and Lunatics to vote by Guardians and Committees.

LXXVI. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall be then entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk of the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; which said Certificate or Ticket may be in the Words or to the Effect following; (*videlicet*,)

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

‘ Preston

Form of
Certificate.

‘ Preston and Wigan Railway Company.

‘ Number

‘ THESE are to certify, That

‘ of _____ is a Proprietor of the
 ‘ Share Number _____ of the *Preston and Wigan* Railway,
 ‘ subject to the Rules, Regulations, and Orders of the said Company;
 ‘ and that _____ his [or her] Executors, Ad-
 ‘ ministrators (or Successors), and Assigns, have or is entitled to the
 ‘ Profits and Advantages of such Share. Given under the Common
 ‘ Seal of the said Company, the _____ Day of _____ in the
 ‘ Year of our Lord _____

For granting
 new Certifi-
 cates when
 old ones
 are de-
 stroyed or
 worn out, or
 new ones
 required.

LXXVII. And be it further enacted, That if any such Certifi-
 cates or Tickets as aforesaid shall be worn out or damaged, or in case
 any Person or Persons who may become entitled to any Share shall
 require a new Certificate or Ticket in his, her, or their own Name or
 Names, then, upon the worn-out, damaged, or former Certificates or
 Tickets being brought and shewn to the Clerk of the said Company,
 the same may be cancelled or destroyed, and other similar Certi-
 ficates given, under the Common Seal of the said Company, to the
 Person or Persons in whom the Property of such Certificates or
 Tickets, and the Shares therein mentioned, shall be at that Time
 vested, or in case such Certificates or Tickets shall be lost or burnt
 or totally destroyed, then, upon due Proof thereof, like or similar
 Certificates shall be given to the Person or Persons who was or were
 the Owner or Owners of or entitled to such Certificates so lost,
 burnt, or destroyed; and a due Entry of the Transfer of such Certi-
 ficates or Tickets (if any such have been made) shall be entered by the
 Clerk of the said Company in manner herein directed, the said Clerk
 receiving for every such Certificate or Ticket which shall be so given
 or exchanged the Sum of Two Shillings and Sixpence and no more.

Power to
 raise an
 additional
 Sum of
 83,000*l.* by
 Mortgage.

LXXVIII. And be it further enacted, That in case the Money
 hereby authorized to be raised shall be found insufficient for the
 making, completing, and maintaining of the said Railway and other
 Works hereby authorized to be made, and for defraying all necessary
 Charges and Expences relating thereto, and the said Company shall
 be desirous of raising a further or additional Sum of Money, it shall be
 lawful for the said Company, by an Order of any General Meeting of
 the said Company, to borrow and take up at Interest any such further
 or additional Sum, not exceeding the Sum of Eighty-three thousand
 Pounds, on the Credit of the said Undertaking, as to them shall
 seem meet and convenient; and the said Company, or the Directors
 of the said Company, after an Order shall have been made for that
 Purpose by any General Meeting, are hereby authorized and em-
 powered to assign the Property of the said Undertaking, and the
 Rates arising or to arise by virtue of this Act, or any Part thereof,
 (the Costs and Charges of assigning the same to be paid out of such
 Rates,) as a Security for any such further Sum of Money to be
 borrowed as aforesaid, with Interest, to such Person or Persons, or to
 his or their Trustee or Trustees, as shall advance the same; all which

said Mortgages or Assignments shall be made, under the Common Seal of the said Company, in the Words or to the following Effect ; (that is to say,)

‘ Number
 ‘ **B**Y virtue of an Act passed in the First Year of the Reign of King *Form of*
 ‘ *William* the Fourth, [*here set forth the Title of the Act,*] we, *Mortgage.*
 ‘ the Company of Proprietors of the *Preston* and *Wigan* Railway,
 ‘ incorporated by and under the said Act, in consideration of the
 ‘ Sum of _____ to us in hand paid by
 ‘ _____ of _____, do assign
 ‘ unto the said _____, his [*or her*] Executors,
 ‘ Administrators, and Assigns, the said Undertaking, and all and
 ‘ singular the Rates arising by virtue of the said Act, and all the
 ‘ Estate, Right, Title, and Interest of, in, and to the same, to
 ‘ hold unto the said _____, his [*or her*] Exe-
 ‘ cutors, Administrators, and Assigns, until the said Sum of
 ‘ _____, together with Interest for the same after
 ‘ the Rate of _____ for every One hundred Pounds
 ‘ for a Year, shall be fully paid and satisfied. Given under our
 ‘ Common Seal, this _____ Day of _____ in
 ‘ the Year of our Lord _____.’

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

‘ **I** [*or We*] _____ of _____, in consideration *Form of*
 ‘ of the Sum of _____ paid by _____ *Transfer of*
 ‘ of _____, do hereby transfer a certain Mort- *Mortgage.*
 ‘ gage (Number _____) made by the Company of Proprietors of the
 ‘ *Preston* and *Wigan* Railway to _____, bearing
 ‘ Date the _____ Day of _____, for securing
 ‘ the Sum of _____ and Interest, and all my
 ‘ [Local.] _____ 10 R [or

‘ [or our] Right and Property therein, to the said
 ‘ his [or her] Executors, Administrators, and Assigns. Dated this
 ‘ Day of in the Year of our
 ‘ Lord

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

Interest
of Money
borrowed to
be paid in
preference
to Divi-
dends.

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

Mortgagees
not to vote.

LXXX. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made shall be deemed a Proprietor of any Share, or shall be capable of acting or voting

voting as such at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on such Mortgage or Assignment.

LXXXI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the additional Sum of Eighty-three thousand Pounds by Mortgage, and shall afterwards be required or be desirous of paying off all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company (and they are hereby authorized and empowered, immediately, or at any Time or Times thereafter,) again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much and such Sum and Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the Mortgages or any of them, or any Part or Parts, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event, borrow upon Mortgage more than the Sum of Eighty-three thousand Pounds in the whole at any One Time.

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

LXXXII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and of all other Expences preparatory or relating thereto, and all the Residue and Remainder of such Money shall be applied in and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway and other Works, and other the Purposes of this Act.

Application of Money to be raised.

LXXXIII. And be it further enacted, That the said Company shall meet together at some convenient Place within the Towns of *Wigan* or of *Preston* aforesaid, within Two Calendar Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meetings from Time to Time and from Place to Place as they shall think fit; and from and after the First General Meeting of the said Company there shall be a General Meeting of the said Company on the Second *Monday* in *April* in each and every Year, or within the Space of Ten Days next thereafter, and also such and so many General and Special General Meetings of the said Company as shall be called as hereinafter provided; of which said General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given by Advertisement in some One or more Newspaper or Newspapers usually circulated in the said County Palatine of *Lancaster*, and which said Notice shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be held at *Wigan*, *Liverpool*, or *Preston*, as the Directors of the said Company for the Time being shall

First and other General Meetings.

shall deem proper; and the same may be adjourned from Time to Time and from Place to Place as shall be found expedient.

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

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

Meetings of Proprietors may be specially convened.

LXXXV. And be it further enacted, That Fifteen or more Proprietors of the said Company, holding to the Aggregate One hundred and fifty Shares or upwards in the said Undertaking, by Writing under their Hands, left at the Office of the said Company, or given to any Director of the said Company, or left at his last or usual Place of Abode, may require the Directors to call a Special General Meeting, so as such Requisition fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Ten Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Ten Days Notice thereof in any One *Lancashire* Newspaper; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers of this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the said Company, or of the major Part of them met together at any such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Business of Special and adjourned Special General Meetings.

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

General Meetings may examine Accounts.

LXXXVII. And be it further enacted, That it shall be competent for every General Annual Meeting, if a Majority of the Proprietors then present shall require it, to call for and examine, or cause to be examined by any Accountant or other Person, at the Expence of the Company, the Accounts of the said Company, and of the Directors, and of the Treasurer, Receivers, or Collectors of the Rates and other Officers of the said Company.

Treasurer and Clerk to be appointed.

LXXXVIII. And be it further enacted, That the said Company shall at some General Meeting elect and choose a Treasurer and Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk or Clerks,

or

or any or either of them, or any Person or Persons who shall be hereafter elected and appointed to their respective Offices, and shall also from Time to Time elect and choose, in manner aforesaid, any other Person or Persons to act as Clerk or Clerks or Treasurer of the said Company, in the Room of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

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

Same Person not to be Clerk and Treasurer.

XC. And be it further enacted, That the said Company at such First General Meeting to be held as herein-before is mentioned, or at some Meeting or Meetings to be held by Adjournment from such General Meeting, shall choose and elect Twelve Persons to be Directors to manage the Affairs of the said Company, who shall be Proprietors and respectively possessed in their own Right of Five Shares at the least in the said Undertaking, and who shall be elected and chosen by the other Proprietors present at such Meeting, by themselves or their Proxies; and of the Twelve Directors so elected as aforesaid Five shall be competent to act; and the several Persons

Election of Directors.

so to be elected shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *April* in the Year of our Lord One thousand eight hundred and thirty-two, and until others shall be nominated and elected in their Stead in pursuance of this Act.

Directors to go out by Rotation.

XCI. And be it further enacted, That at the General Meeting to be held in the Month of *April* in the Year of our Lord One thousand eight hundred and thirty-two, Four of the Directors elected by the said Company as aforesaid, to be chosen by Lot amongst themselves, shall go out of Office and cease to be Directors of the said Company, and Four other Persons, each possessing Five Shares at the least, shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *April* in the Year of our Lord One thousand eight hundred and thirty-three Four other of the Directors who shall be so elected as aforesaid, to be determined by Lot amongst themselves, shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *April* in the Year of our Lord One thousand eight hundred and thirty-four the remaining Four of the Directors who shall be so elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *April* in every subsequent Year Four of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

General Meetings for choosing Directors to consist of not less than Fifteen Persons possessed of 150 Shares.

XCH. Provided also, and be it further enacted, That if at any General Meeting there shall not be Fifteen Persons present who shall be possessed of or entitled to at least One hundred and Fifty Shares in the said Undertaking, either as Principals or Proxies, within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted at that Time, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Twenty-seven Days; and if a sufficient Number of Proprietors, as Principals or Proxies, shall not attend, the said General Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at any such General Meeting there shall be a sufficient Number of Proprietors, as Principals or Proxies, present when the Meeting shall proceed to Business, and not before; and the Directors for the Time being shall continue to act, and have the same Powers as they had and were possessed of, until new Directors shall be appointed as aforesaid.

Directors going out of Office to be re-eligible.

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

XCIV. Pro-

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

No Person holding Office shall be a Director.

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

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

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

Chairman and Deputy Chairman of Directors to be elected.

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

For supplying Vacancies in Direction.

1° GULIELMI IV. Cap. lvi.

may be elected would have been entitled to have continued had he lived or remained in Office.

Powers and
Duties of
Directors.

XCVIII. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet, and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding the General and Special Meetings of the said Company; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, as well in contracting for and purchasing Lands, Messuages, Tenements, or other Hereditaments, and Engines and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in nominating and appointing, electing, placing, or displacing, all and every the Officers, Engineers, Agents, Servants, and Workmen of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, and Recompences as to the said Directors shall seem proper; and upon the Death or Removal or displacing of any of the said Officers and Servants from Time to Time another or others to appoint in his or their Place or Places; and in making Contracts and Bargains touching the said Undertaking, the said Directors may require such Security to be given to the said Company from any Officer or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable; and no Director, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote at any Meeting of the said Directors, except the Chairman of such Meeting, who, in case of an equal Division, shall have a second or casting Vote, although he may have given One Vote before as Principal or Proxy; and every such Meeting of Directors shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make a Report of their Proceedings to the said Stated General Meetings, and, if required, to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep or cause to be kept full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all and every Person or Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the said Rates or other Officer, or from any other Person whomsoever employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or any Part thereof, and shall regularly write, insert, and enter, or cause to be written, inserted, and entered, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, (as the Case shall require,) of every such Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings;

ings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors.

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

Directors to be under the Controul of General Meetings.

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

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

CI. And be it further enacted, That the Directors for the Time being shall have Power and Authority, from Time to Time, and at any Meeting of the Directors, to make such Rules, Orders, and Bye Laws as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major

Directors may make Bye Laws.

Part of the Directors composing such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as are hereinafter mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, shall be hung up and affixed and continued on the Front of the several Stations, Wharfs, and Gate Houses to be erected on the said Railway and Wharfs, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be laid before the next General Annual Meeting of the Company, for Confirmation; and from the making thereof 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 Kingdom of *Great Britain and Ireland* called *England*, to any Directions in this Act contained, or to any Rules, Orders, and Bye Laws made at any General or Special General Meeting of the said Company; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner hereinafter mentioned.

General Meetings may make Bye Laws.

CII. And be it further enacted, That the said Company shall have Power and Authority, from Time to Time, and at any such General or Special General Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, to revise, alter, confirm, or repeal any Rules, Orders, or Bye Laws made by such Directors, and to make such Rules, Orders, and Bye Laws as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Proprietors composing such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are hereinafter mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, shall be hung up and affixed and continued on the Front of the several Stations, Wharfs, and Gate Houses to be erected on the said Railway and Wharfs, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Rules, Bye Laws, and Orders shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this

this Act contained ; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner hereinafter mentioned.

CIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors or by the said Company, make out and deliver to the said Directors or Company, or to such Person or Persons as they shall respectively appoint for that Purpose, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, and received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts of such Payments ; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Directors or the said Company shall appoint to receive the same ; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or to the said Company, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Directors or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors or by the said Company, or by any Person on their Behalf, to any Justice of the Peace for the County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston* (within their respective Jurisdictions), such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Directors or the said Company might have done ; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person ; and if no Goods or Chattels be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the

Officers
account.

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

Proceedings
to be en-
tered in a
Book.

CIV. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company as of the Directors, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Accounts
to be kept
of Receipts
and Dis-
bursements.

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

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

Notices,
how to be
given.

CVII. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep, or cause to be entered and kept, a true Account of the Locality or Places of Abode of the several Proprietors, whether Corporations or Individuals, of the said Undertaking, and of the several Bodies and Persons who shall from Time to Time become Owners and Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking, or, being a Corporate Body, by their Clerk or Agent duly appointed, shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to inspect or peruse any such Book, at all convenient Times and Seasons, or shall refuse to make any such Copy within a reasonable Period, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

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

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

Directors
may ap-
point a tem-
porary
Treasurer
or Clerk.

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

Power of
Directors to
make Calls.

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shall

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

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

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

If the Purchase Money for such Share shall be more than suffi.

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

Sales,

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

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

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

Proceedings
in Actions
for Calls.

Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

For ascertaining the Proprietorship of Shares in certain Cases.

CXII. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of any Share in the said Undertaking shall become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share, or to maintain any Action or Suit or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property of any Share in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor thereof, to any other Person, by any other legal Means than by a Transfer and Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons before any of His Majesty's Justices of the Peace for the County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston* (as the Case may be), stating the Manner in which such Share hath been passed to such other Person, his or her Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for; and if such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company shall at any Meeting direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators

trators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the last Person appearing in the Book of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Person or Persons cannot be ascertained, upon due Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Subscriber shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited in manner aforesaid, except only in case of the Subscriber or Subscribers being Abroad the Share or Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *England*, or inserted in the *London Gazette* as aforesaid.

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

Proprietors in arrear not to vote.

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

Shares may be sold.

‘ I of _____ of _____ in consideration
 ‘ of _____ paid to me by _____ Form of
 ‘ of _____ do hereby assign and transfer to the said Transfer.
 ‘ _____ Share (or Shares, as the Case may be), numbered
 ‘ _____ of and in the said Undertaking called “The Preston and
 ‘ Wigan Railway Company,” to hold unto the said
 ‘ his [or her or their] Executors, Administrators, and Assigns [or
 ‘ Successors and Assigns], subject to the same Rules, Orders, Re-
 ‘ strictions, and Conditions as I held the same immediately before
 ‘ the Execution hereof; and I the said
 ‘ do hereby agree to accept and take the said Share [or Shares],
 ‘ subject to the same Rules, Orders, Restrictions, and Conditions.
 ‘ As witness our Hands and Seals, the _____ Day
 ‘ of _____ ’

And in every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser of such Share or Shares, shall be kept by the Clerk of the said Company, who shall enter, in a proper Book to be kept for that Purpose, a Memorandum of such Transfer and Sale, and endorse the Entry of such Memorial on such Deed of Sale

[Local.] 10 X or

or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and, on Request, a Ticket or Certificate of such Sale shall be delivered by him to the Purchaser, for his Security, and for which Certificate no more than One Shilling shall be paid; and until such Memorial shall have been made and entered at above directed, such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

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

CXV. And be it further enacted, That no Person shall sell or transfer any Share or Shares which he or she shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, though the Time for the Payment of the same may not have arrived, unless he or she at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of such Share so sold or transferred.

Accounts to be made up annually.

CXVI. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company, or the Directors of the said Company, shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *March* in each Year, of the Money collected and received by the said Company, or by the Directors or Treasurer of the said Company or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or the said Directors; and at the Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Yearly Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the Yearly General Meeting which shall be holden next after the Expiration of Two Years from the passing of this Act: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

For ascertaining the Proprietorship of Shares in

CXVII. And whereas by the Marriage or Death of Proprietors of Shares in the said Undertaking it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or belong; be it therefore enacted, That before any Person who shall

shall claim any Part of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any of his Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares in the said Railway; and before any Person who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of the said Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to, or solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; when the Right and Property of any Share of the said Railway shall pass from the original Proprietor or Proprietors thereof, or any other Person, by any other legal Means than by a Transfer and Conveyance thereof, as herein directed, an Affidavit, or solemn Affirmation, in Writing, shall be made and sworn to, or solemnly affirmed to, by some credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the Clerk of the said Company shall be entitled to receive for each and every such Entries as hereinbefore directed the Sum of Two Shillings and Sixpence and no more.

case of the
Marriage or
Death of
Proprietors.

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

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

CXIX. And be it further enacted, That in all Cases where the Money shall be payable under the Provisions of this Act to any Proprietor

Receipts of
Parents or
Guardians

of Minors
shall be
sufficient.

prietor in the said Undertaking who shall be a Minor, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Rates of
Tonnage to
be taken.

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

Limestone,
Manure,
and Coal
Slack.

For all Limestone, Dung, and all other Sorts of Manure, and Coal Slack, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding One Penny *per Ton per Mile* :

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

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

Coal, Lime,
and Road
Materials.

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

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

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

Coke, Char-
coal, Stones,
Sand, Clay,
Building,
Pitching,
and Paving
Stones, &c.

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

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

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

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

Sugar, Corn,
Timber, &c.

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

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

For all Wines, Spirits, Vitriol, Glass, Oils, Gunpowder, Saltpetre, and other hazardous Goods, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding Four-pence *per Ton per Mile* :

Wines, Spi-
rits, Oils, &c.

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

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

For all Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, or Things, and which shall be drawn or propelled by the Engines or other Power and carried in the Waggons of any Person or Persons or Body Corporate other than the said Company, a Sum not exceeding Three-pence *per Ton per Mile*.

Wool,
Hides,
Drugs, &c.

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

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

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

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

[*Local.*]

10 Y

For

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

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

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

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

The Com-
pany not to
be com-
pelled to
receive less
than 1s.
per Ton for
short Dis-
tances.

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

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

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

demanded or taken, any of the Rates, Tolls, or Duties by this Act authorized to be demanded or taken, until the said Railway shall have been so measured, and the Stones or other conspicuous Marks set up, as herein-before directed.

CXXIV. And be it enacted, That in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained at the Distance of a Quarter of a Mile from each other.

Quarter of a
Mile Stones
to be
erected.

CXXV. And whereas the said Company must necessarily incur and sustain great additional Expence in erecting, building, and repairing a Bridge across the River *Ribble*, so as to form a Communication for the Purposes of the said Undertaking between the Townships of *Penwortham* and *Preston* aforesaid, and in making, raising, and maintaining an Embankment for the Purposes of carrying the said Railway across the Valley of *Ribble*, and thereby avoiding the Necessity of inclined Planes and stationary Engines; in consideration thereof be it enacted, That in addition to the several Rates, Tolls, and Duties herein-before mentioned it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of all Coaches, Chariots, Chaises, Cars, Landaus, Gigs, Waggon, Carts, and other Carriages which shall pass over and along the said Bridge and Embankment, or any Part thereof respectively, for the Conveyance or Carriage of Passengers, Cattle, Goods, Wares, Merchandize, or other Articles, Matters, and Things, the several Pontages or Rates, Tolls, and Duties hereinafter mentioned; (that is to say,)

Power to
take Pon-
tage on
crossing the
Ribble.

For every Coach, Chaise, Chariot, Car, Landau, Gig, or other Carriage used for the Conveyance of Passengers, and which shall not carry nor be adapted to carry more than Eight Passengers, any Sum of Money not exceeding the Sum of Four Shillings:

For every such Coach, Chaise, Chariot, Car, Landau, Gig, or other Carriage which shall carry or be adapted to carry any Number of Passengers exceeding Eight and not exceeding Sixteen, any Sum of Money not exceeding the Sum of Six Shillings:

For every such Coach, Chaise, Chariot, Car, Landau, Gig, or other Carriage which shall carry or be adapted to carry any Number of Passengers exceeding Sixteen, any Sum of Money not exceeding the Sum of Eight Shillings:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, or Ox, Bull, Cow, or other Cattle, any Sum of Money not exceeding the Sum of One Shilling:

For every Calf, Sheep, Lamb, or Pig, any Sum of Money not exceeding the Sum of Nine-pence:

For every Waggon, Cart, or other Carriage laden with Limestone, Dung, or any kind of Manure, or Coal Slack, any Sum of Money not exceeding the Sum of One Shilling and Three-pence:

For

For every Waggon, Cart, or other Carriage laden with Coal, Cannel, Lime, or any Materials for making and repairing Public Highways or Roads, any Sum of Money not exceeding the Sum of One Shilling and Ten-pence :

For every Waggon, Cart, or other Carriage laden with Coke, Charcoal, Culm, Cinders, Stones, Sand, Clay, Building, Pitching, or Paving Stones, Flags, Bricks, Tiles, or Slates, any Sum of Money not exceeding the Sum of Two Shillings and Sixpence :

For every Waggon, Cart, or other Carriage laden with Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Lead, Iron, or other Metals, any Sum of Money not exceeding the Sum of Three Shillings and One Penny Halfpenny :

For every Waggon, Cart, or other Carriage laden with Wine, Spirits, Vitriol, Glass, Oils, Gunpowder, Saltpetre, or other hazardous Goods, any Sum of Money not exceeding the Sum of Five Shillings :

For every Waggon, Cart, or other Carriage laden with Cotton or other Wool, Hides, Drugs, manufactured Goods, or other Wares, Merchandize, Matters, or Things, any Sum of Money not exceeding the Sum of Three Shillings and Nine-pence :

And for every empty Waggon, Cart, or other Carriage, except Carriages used for the Conveyance of Passengers, any Sum of Money not exceeding the Sum of Sixpence.

Power to
lease the
Tolls.

CXXVI. 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, Pontages, 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 any 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, Pontages, or Tolls so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates, Pontages, or Tolls so let 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, Pontages, or Tolls, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement in some Newspaper circulated within the said County Palatine of *Lancaster*, at least Twenty-one Days prior to any General Meeting at which it may be intended or proposed that the said Rates, Pontages, or Tolls, or any Part thereof, shall be let, or be proposed to be let, as aforesaid.

Power to
reduce the
Tolls.

CXXVII. 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, Pontages, Tolls, and Duties herein before by this Act authorized to be taken for or in
respect

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

CXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, from Time to Time, and at any General or Special General Meeting of the said Company to be held as is herein-before directed, to make such Orders for ascertaining and fixing, as well the Price or Sum or Sums of Money to be charged or taken by the said Company as and for Tonnage, Rate, or Duty, as also the additional Price or Sum or Sums of Money to be charged or taken by the said Company, or any other Person or Persons whomsoever, for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates, as to them shall seem most fitting and reasonable: Provided always, that this Clause and the Power therein contained shall not relate to those Descriptions of Merchandize and Goods of which large Weights or Quantities shall, for the Convenience of Transit, be made up in separate and distinct Parcels, such as Bags of Sugar, Coffee, Grain, Meal, Flour, and the like, but only to single and individual Parcels, unconnected with others that may be sent at the same Time.

Company may fix the Price of small Parcels carried on the Railway.

CXXIX. 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 Station or Gate House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Pontages, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken, and of the Price or Prices, Sum or Sums of Money, so allowed to be taken for the Carriage of all and every such Parcel and Parcels not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railway, or any Part thereof respectively: Provided also, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any such Rates, Pontages, 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 painted on Boards and affixed in conspicuous Places.

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

Persons demanding more than the proper Rate or Toll subject to Penalty.

[Local.]

10 Z

CXXXI. And

Penalty on
Persons
defacing
Boards.

CXXXI. 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, Pontages, or Rates shall be painted, or any Quarter Mile Stones, 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.

For pre-
venting Toll
Collectors
misbehaving.

CXXXII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Gate House, Toll House, or Station, 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, Pontages, 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, Pontage, 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, Pontage, 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, Pontages, 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, Pontage, Rate, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing along the said Railway or any Part thereof, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger; then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Recovery of
Rates.

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

aforesaid, the said Company may, in case such Rates, Pontages, Tolls, or Duties shall amount to the Sum of Ten Pounds or upwards, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates, Pontages, 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, Pontages, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Pontages, Tolls, or Duties so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein-before mentioned.

CXXXIV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Pontages, 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, Pontages, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the said County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston* (within their respective Jurisdictions), 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, Pontages, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

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

CXXXV. And for the better ascertaining and more easy collecting of the said Rates, Pontages, Tolls, and Duties, be it further enacted, That the Owner or Owners, Person or Persons, having the Care of every Waggon or other Carriage passing upon the said Railway or 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, Pontages, and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such his, her, or their Waggon or other Carriage, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage

Owners of Waggons to give an Account of Lading.

riage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or to produce his or their Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading of Goods at any other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Pontage, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the said County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston*, within their respective Jurisdictions, every Person so offending shall for every such Offence forfeit and pay to the said Company, any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage of which such Account shall be so refused to be given, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

Weight of
Tonnage
ascertained.

CXXXVI. And for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight, and 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 and for One Ton Weight; any Usage to the contrary notwithstanding.

In case of
Difference
concerning
Weight, the
Collector
may weigh
or measure
Waggon.

CXXXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Pontages, Tolls, and Duties, or any Tollkeeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things therein or thereon, it shall be lawful for any such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof, on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear

appear to be of the same or less Quantity than the same shall by such Account appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or the Owner or Owners of such Goods and other Things, such Damage as shall appear to any Justice of the Peace for the County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston* (within their respective Jurisdictions), on the Oath of any credible Witness, to have arisen from such Detention; but in case it shall at any Time be made appear to such Justice upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of the Collector or other Officer as aforesaid, then the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or Things, such Damages 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).

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

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

Injury, or Damage which may accrue to the same Goods, Horses, Cattle, Waggons or other Carriages, and other Things, in consequence of such Seizure, Detention, and Sale.

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

CXXXIX. And for better Regulation of the Owners of Waggons and other Carriages, and others employed by and under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing along the said Railway shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk of the said Company, and shall also cause such Name or Names and Place or Places of Abode to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them or by any Person by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part of the Outside thereof; and every Owner or Owners or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Gauge and Weight and such Names and Figures marked thereon respectively, as hereinbefore directed, or who shall alter, erase, or deface such Gauge and Weight and Names and Figures, or any of them or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

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

CXL. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief which may be done by his, her, or their Waggon or other Carriage, or for any of the Waggons or Drivers or other Person or Persons belonging to or employed by him, her, or them respectively, in or about the same respectively, to the said Railway, or to any Bridges, Engines, Embankments, Cuttings, Inclined Planes, Tunnels, or other Works or Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of any such Person before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath of some credible Witness, pay to the Person injured the Damages to be ascertained by some Justice, provided such Damages do not exceed the

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 Damage, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in every such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made or by Default upon Demurrer, the Plaintiff in any such Case shall recover his Damage thereby sustained, with full Costs of Suit.

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

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

CXLII. 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,

Penalty on Persons obstructing the Passage of Waggons.

so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately remove the same so as to make a free Passage for other Waggons passing thereon respectively, every such Person, or, at the Option of the said Company, the Owner or Owners of such Waggon or other Carriage so loaded, left, or placed, shall forfeit or pay for every such Offence a Sum not exceeding Ten Pounds.

Penalty on Persons obstructing the free Course of the Railway.

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

Penalty on destroying Works.

CXLIV. 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 of the Materials of any such Works, any Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or, in mitigation of such Punishment, such Court may think fit, award such Sentence as the Law directs as in Cases of Simple Larceny.

Company to regulate the Passage on the Railway.

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

Penalty on obstructing Railway by leaving

CXLVI. And be it further enacted, That if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain on any Part of the said Railway or other

other Works so as to obstruct the Passage or working thereof, and the Person or Persons having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, he or they shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour every such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of or belonging to the said Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any Accident, Damage, Loss, or Injury occasioned by any such unloading or by any such Removal, or for any Delay occasioned thereby, nor in any other Way, save and except for wilful Damage done to any Waggon or other Carriage, or to any Article so unloaded or removed; nor shall they be liable for the safe Custody of any Waggon or other Carriage, or any Article, Matter, or Thing which shall be so removed, unless the same shall be detained by the said Company, and then only so long a Time as the same shall be so detained.

Waggons,
&c.

CXLVII. And be it further enacted, That the said Company shall, at their own Expence, Costs, and Charges, after any Part of the said Railway shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support forthwith, such and so many convenient Gates in and upon the said Railway, and also all such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of or leading to the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston*, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners or Occupiers of the Lands and Grounds thereof through which such Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times hereafter be supported, maintained, and kept in Repair and Condition by the said Company; and for the Purpose of enabling the said Company to form, make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain and support the same, the said Company, their Deputies, Stewards, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds adjoining the said Railway, and to load and carry the

Company to
erect Gates,
Bridges,
Drains, &c.
for Pro-
tection of
adjoining
Lands.

[*Local.*]

11 B

Materials

Materials for making and repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands or Grounds, doing as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as hereinbefore directed, or to maintain or support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway, or any Buildings or other Things hereby authorized to be made, and directed 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.

To restore
Works and
Conveni-
ences for

CXLVIII. And be it further enacted, That the said Company shall at their own Expence alter and complete the Works of the said *Robert Josias Jackson Norreys*, for flooding his Lands, by erecting new or additional

additional Floodgates, or otherwise, so as to enable the said *Robert Josias Jackson Norreys*, and the Person or Persons for the Time being entitled in Possession to the Freehold and Inheritance of the same Lands and Grounds, notwithstanding the intended Embankment over such Lands and Grounds, to flood such Parts of the remaining Lands of the said *Robert Josias Jackson Norreys*, not required for the Purposes of this Act, as have been heretofore usually flooded, as effectually and completely as they have been heretofore and can now be flooded, the said Company making, doing, and executing all such Works, and all other Works hereby directed to be made, done, and executed upon the said Lands and Grounds of the said *Robert Josias Jackson Norreys*, under the Direction and Superintendence and to the Satisfaction of the Surveyor or Engineer of the said *Robert Josias Jackson Norreys*, or the Person or Persons for the Time being entitled in Possession to the Freehold and Inheritance of the same Lands and Grounds, to be appointed by him or them for that Purpose, and of the Surveyor or Engineer of the said Company, and in case of their Disagreement, then under the Direction and Superintendence and to the Satisfaction of a Surveyor or Engineer to be appointed by such Two Engineers as aforesaid.

flooding Mr. Norreys's Land.

CXLIX. Provided also, and be it further enacted, That the said Company shall, in making an Embankment through the Lands of the said *Robert Josias Jackson Norreys*, leave Two several Openings at the least through the same in such Situations as shall be directed by the said *Robert Josias Jackson Norreys*, or the Person or Persons for the Time being entitled to an Estate of Freehold or Inheritance in the Lands or Grounds adjoining the said Embankment, in order to form convenient Communications through the said intended Embankment between the Lands or Grounds adjoining thereto, and shall also arch over each of such Openings, and also over the Two public Roads there over which the same Embankment is intended to be made, such Arches to be built in a substantial Manner of Brick or Stone, or both, and each of such Arches to be not less than Sixteen Feet high and Fifteen Feet wide, and the Roads through the same to be made of good hard Materials, and well drained, and Two substantial Gates to be placed across each of such Roads at or near each Entrance thereof respectively, in such Situations as shall be directed by the said *Robert Josias Jackson Norreys*, or the Person or Persons so entitled as last aforesaid; and that the said Company shall at their own Expence, from Time to Time and at all Times after the said Arches, Roads, and Gates shall be made, keep the same in good Repair.

Openings in Embankment on the Grounds of Mr. Norreys to be made under his Direction.

CL. 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

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

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

Owners and Occupiers of Lands through which the Railway shall be made to have free Passage as far as their Lands extend ;

unless Company shall make other sufficient Communications.

CLI. 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 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 cross along or upon any other Part of the said Railway ; and also that it shall be lawful for the respective Occupier or Occupiers of Lands or Grounds through which the said Railway shall be made, and his, her, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway, so far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof : Provided nevertheless, that in all Cases where the said Company shall at their own Expence make proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, either by means of Bridges or Culverts, and shall make proper and convenient parallel Roads along the Side of the said Railway from the one of such Communications to another, the Right of the Owners and Occupiers of such Lands or Grounds in which such Communications and parallel Roads shall be made, and of their Servants and Workmen, to pass and repass directly over and across, and also along and upon, and also to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beasts, along and upon the said Railway or any Part thereof, shall thenceforth absolutely cease and determine ; and if any Difference or Dispute shall arise between any of the Owners or Occupiers of any such Lands or Grounds aforesaid, as to the Number, Dimensions, and Sufficiency of the Bridges or Culverts and parallel Roads which shall have been made by the said Company for the convenient Occupation of the same Lands or Grounds, the same shall be

be referred to the Decision of any Two Justices of the Peace of the County Palatine of *Lancaster*, who are hereby authorized and empowered to take cognizance of the same, and whose Determination shall be binding; and the said Company shall and they are hereby required to make such further and additional Bridges, Culverts, and parallel Roads, and of such Size and Dimensions, as the Justices shall direct and appoint; and in case the said Company shall neglect or refuse to make, erect, or put up such Bridges, Culverts, and parallel Roads in such Lands or Grounds as the said Justices shall appoint, or shall neglect or refuse to maintain and keep in repair any Bridges, Culverts, or parallel Roads which they shall have made or erected in any such Lands or Grounds, it shall be lawful for the said Owners and Occupiers of such Lands or Grounds respectively to pass and repass over and across, and along and upon, and to ride, lead, and drive any Horse, Mule or Ass, Cow or other Neat Cattle, Sheep, Swine, or other Beast, along and upon the said Railway, as far as the Lands in his, her, or their Occupation shall extend, as if this Act had not been passed; any thing herein contained to the contrary thereof notwithstanding.

CLII. And be it further enacted, That all Persons shall have free Liberty to use, with Carriages, all Roads, Ways, and Passages, for the Purpose of conveying Goods, Wares, Merchandize, or any other Things, or Passengers or Cattle, to or from the said Railway and every Part thereof, and also to pass along and upon and use the said Railway, with Carts, Waggon, and other Carriages, properly constructed as hereinafter mentioned, to be drawn or propelled by locomotive Engines, animal or other Power, upon Payment only of such Rates, Pontages, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Pontages, 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: Provided always, that no locomotive Engine or other Description of moving Power shall at any Time be used on the said Railway for the Purpose of drawing or propelling Coaches, Waggon, or other Carriages along or upon the same, save and except the locomotive Engines or other Power belonging to and found and 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, or which shall belong to or be provided by any other Railway Company, acting by virtue of any Act or Acts of Parliament, whose Road shall communicate with the Railway hereby authorized to be made, and which shall usually travel on the Road of such Railway Company, and any such locomotive Engine or other Power shall be under the absolute Controul and Management of the said Company hereby incorporated, their Engineers, Officers, and Servants.

Railway to be free on Payment of Tonnage.

No Locomotive Engines to be used, except those belonging to or licensed by the Company.

CLIII. And be it further enacted, That if any Person (save and except the said Company, and the Agents and Servants employed by them, and 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

Railway not to be used as a Passage for Horses, &c.

[Local.]

11 C

respectively,

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.

CLIV. 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, except a Proprietor of the said Railway, shall travel or pass on Foot upon the said Railway without the Licence and Consent of the said Company, except for the Purpose of attending any Waggon, Cart, or Carriage under his Care, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same, as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made, every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Five Pounds for every such Offence.

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

CLV. And be it further enacted, That no Person whomsoever shall pass upon the said Railway with locomotive Engines, Waggons, or other Carriages 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 or 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 whatsoever 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.

Weights allowed to be carried.

CLVI. 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

may from Time to Time direct or appoint, not exceeding Sixpence *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon 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 or proper.

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

For fencing off Railway through private Lands.

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

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

CLIX. And be it further enacted, That it shall be lawful for the Owners or Occupiers of the respective Lands or Grounds lying adjoining or near to the said Railway, save and except within the Towns of *Preston* and *Wigan*, or any other Person or Persons whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of any such other Person, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway; and the said Com-

pany
Owners of Land may make Branches.

pany shall not receive any Tonnage for the passing of any Goods or other Things along such collateral Branch or Branches; and the said Company shall be bound to make, at the Expence of such Owners or Occupiers who may require the same, such Openings in the Ledges or Flanches of the said Railway as may be necessary for effecting such Communication, at such convenient Places only where the said Communication can be made without Prejudice or Injury to the said Railway: Provided always, that the said Company shall not be bound to make any such Openings in any Places where they shall have erected, built, made, or set up any Building, Steam Engine, Works, Machinery, Yard, or in any Place where they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane, nor in any Tunnel; and in case any Disagreement or Difference shall arise between any such Owners and Occupiers or other Persons, and the said Company, as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway, for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace for the County Palatine of *Lancaster*, whose Determination shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

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

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

Rates to be paid to the Company for Wharfage of Goods.

CLXI. 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

them belonging to the said Company, the Rates or Sums following ;
(that is to say),

For every Ton of Coals, Culm, Lime, Limestone, and other Minerals, Timber, Stone, Clay, Bricks, Tiles, Slate, Goods, Merchandize, or other Things, which shall be loaded, landed, or placed in or upon the said Wharfs or any of them, and shall continue thereupon for a longer Space of Time than Two Hours and not exceeding Twenty-four Hours, any Sum not exceeding the Sum of One Penny *per* Ton, and so in proportion for any less Quantity than a Ton ; and in case the said last-mentioned Articles or any of them shall be left and remain in and upon any of the Wharfs or Warehouses belonging to the said Company, over and above or beyond the said Space of Twenty-four Hours, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of Three-pence *per* Ton for the Wharfage and One Shilling *per* Ton for the warehousing thereof for the next or succeeding Week, and the like Sum of One Shilling respectively *per* Ton for every further or subsequent Week such Articles shall remain upon the said Wharfs or Warehouses after the Expiration of the said first-mentioned Week, and so after that Proportion for any less Period than a Week ; and it shall be lawful for the said Company to ask, demand, receive, and take, for the Use of the Cranes to be erected or made in pursuance of or under the Authority of this Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding for any Weight to be raised at One single Lift of the Crane, being less than Two Tons, the Sum of Sixpence *per* Ton, for any Weight to be raised at One single Lift of Two Tons and less than Three Tons the Sum of One Shilling *per* Ton ; for any Weight to be raised at One single Lift of Three Tons and less than Four Tons the Sum of One Shilling and Sixpence *per* Ton, and so progressively advancing Sixpence *per* Ton on each additional Weight of One Ton to be raised at One single Lift of the Crane. Rates.

CLXII. Provided always, and be it further enacted, That if the Owner or Owners of any Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things shall permit the same to remain in or upon the Wharfs or Warehouses belonging to the said Company beyond the Space of Fourteen Days, and shall neglect or refuse to remove the same and every Part thereof after Twenty-four Hours Notice to do so, such Owner or Owners shall forfeit and pay to the said Company, for each and every Day any such Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things shall be permitted to remain after the Expiration of such Notice, a Sum not exceeding Two Shillings and Sixpence *per* Ton. Owners of Goods not removing them after Notice to forfeit 2s. 6d. per Ton per Day.

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

[Local.]

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Road,

Road, or Watercourse for the Benefit of themselves and all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such Railway, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway hereby authorized to be made by the said Company; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Railway or common Road so to be made across the Railway hereby directed to be made.

Company
may con-
tract for
their Works.

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

CLXV. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Railway, without obstructing or impounding the same to the Prejudice of any of the said Lands or Grounds, and also to make proper watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of their ancient watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, or Streams of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereunto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the said Boroughs of *Wigan* or *Preston* (as the Case may require), shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Purpose of conveying Waters from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said watering Places respectively; and all such Arches, Tun-
nels,

nels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall, by or on behalf of any Owner or Occupier of any Land adjoining or lying near to the said Railway, be given to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, is or are not made, or being made is or are not cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the Boroughs of *Preston* or *Wigan* (as the Case may require), from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered, at their Discretion, to make and grant such Orders as aforesaid,) enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company, or upon their Clerk or Treasurer, such Expences shall 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.

CLXVI. 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 any other Proceedings at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or, in case the same respectively shall not be found or known, then Service upon any other Agent 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.

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

CLXVII. 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 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 to be signed by their Clerk.

CLXVIII. Provided also, and be it further enacted, That if the said Company shall not within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and

If Land required is not contracted for within

Three Years, the Power of purchasing to cease.

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 Forty Acres of Land which the said Company are by this Act authorized to purchase in addition to the Land hereby authorized to be purchased for making and completing the said Railway or other Works,) then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly null and void.

If Railway is not completed within Five Years, the Powers hereby given to cease, except to the Part completed.

CLXIX. 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 Five Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston* (within their respective Jurisdictions), assembled at any Quarter Sessions of the Peace to be holden in and for the said County of *Lancaster* or Boroughs of *Wigan* and *Preston*, as the Case may be, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses, upon Oath, to be produced before them for that Purpose.

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

CLXX. 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 or employed as a Railway, then and in such Case the Lands or Grounds so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Railway, or any Part or Portion of such Railway which shall be so abandoned and given up by the said Company, shall pass, shall vest in the Owner or Owners of the Lands adjoining that which shall be so abandoned or given up, in manner following; that is to say, one Moiety thereof to the Owner or Owners of the Lands on the one Side, and the other Moiety thereof in the Owner or Owners of the Land on the other Side thereof.

Power of Re-entry by Company.

CLXXI. And be it further enacted, That in case all or any of the Rates, Pontages, 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

Space of Fourteen 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, Pontages, Tolls, or Duties; or in case any temporary or other Collector of the said Rates, Pontages, Tolls, and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, or 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, Gate House Station, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereunto respectively belonging, to be erected, built, constructed, or set up, for the Space of Seven Days after Demand thereof made in Writing, given or left at such Toll House, Gate House Station, Weighing Machine, or Building, or at any of such Toll Houses, Gate House Stations, 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 Two or more of the Directors, although not assembled at a Meeting, or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster* or for the said Boroughs of *Wigan* or *Preston*, within their respective Jurisdictions, upon Application made by the said Directors 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, Gate House Station, 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 Rates, Pontages, Tolls, and Duties, and to put the said Company, or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Directors in every such Case again to demise or let to farm the said Rates, Pontages, Tolls, and Duties to any other Person, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

For compelling Witnesses to attend and give Evidence.

CLXXII. And be it further enacted, That if any Person shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Facts contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party or Parties summoned or accused, and shall neglect or refuse 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.

A Director may grant Releases to Witnesses.

CLXXIII. 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 One of the Directors of the said Company for the Time being, in his own Name, 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 and 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 any other Act, 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; and any such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Recovery and Application of Penalties.

CLXXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said County Palatine of *Lancaster* or for the said Boroughs of *Wigan* or *Preston*, within their respective Jurisdictions, on Complaint to them for that Purpose made upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath

Oath or Affirmation such Justices are hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety 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 County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and the Evidence of any Inhabitant of the County, Riding, or Division 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 Justices of the Peace for the said County Palatine of *Lancaster* or for the Boroughs of *Wigan* or *Preston*, (within their respective Jurisdictions), on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day not to be more than Seven Days from the taking of any such Security), and which Security the said first-mentioned Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Borough within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

CLXXV. 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, Damages,

In case of Nonpayment of Compensation for Damages,

&c. the same to be levied by Distress of the Goods of the Company or of their Treasurer.

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 Money 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 shall have been put unto by virtue of any such Warrant as aforesaid.

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

CLXXVI. 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 Non-payment 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.

Justices may proceed by Summons in the Recovery of Penalties.

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

Quarter Sessions to be held for the County where the Cause of Appeal shall happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Body or Bodies, Person or Persons against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Borough; 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.

Authen-
ticated
Bye Laws
to be Evi-
dence.

CLXXXII. 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.

Proceedings
not to be
quashed for
Want of
Form.

CLXXXIII. 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.

Limitation
of Actions.

CLXXXIV. And be it further enacted, That no Action or Suit, or any Information or other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days Notice in Writing shall

be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Act committed, or in Case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced otherwise than as herein-before 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.

CLXXXV. And be it further enacted, That all the Provisions, Matters, and Things herein contained, relating to the said Railway, shall extend and be construed to extend to all Branches hereby authorized to be made. This Act to extend to all the Branches.

CLXXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the King's most Excellent Majesty, His Heirs and Successors, as well as in Right of His Crown as in Right of His Duchy of *Lancaster*; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Corporation of *Wigan*; or to prejudice the Company of Proprietors of the *Wigan* Waterworks established by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for supplying the Borough and Town of Wigan in the County of Lancaster with fresh and wholesome Water*; Saving of Rights. 4G.3. c. 75.
 or the Company of Proprietors of the *Wigan* Gas Works established by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Borough and Town of Wigan in the County Palatine of Lancaster*; 3G.4. c.31.
 or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Wigan* Branch Railway; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Corporation of *Preston*; or to prejudice the Conservators of the *Ribble* Navigation, or the Commissioners of Sewers within

within the Borough of *Preston*, or the Company of Proprietors of the *Preston* Waterworks, or the Company of Proprietors of the *Preston* Gas Works, or the Company of Proprietors of the *Lancaster* Canal Navigation established by the several Acts of Parliament for making and maintaining the said Canal.

Public Act. CLXXXVII. 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.

The SCHEDULE to which this Act refers.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
<i>Township of Wigan, Parish of Wigan.</i>				
3	Wigan Gas Light Company.		Themselves	Gas House, Gasometers, Offices, Yard, Lime, and Pipes. Factory, Engine House, Spinning Room, Yard, and Reservoir and Outbuildings.
4	Strettell Chadwick	Richard Fegan and Thomas Gudgeon.	Themselves	
6	Thomas Lyon Esquire.	Ditto	John Johnson	Dwelling House, Small Spinning Room, and Office. A Garden.
7	Ditto		Ditto	
10	James Alexander Hodson Esquire.		James Liptrot Owen Matthews Patrick Magin Mary M'Cormick Thomas Fairclough Joseph M'Graw Thomas Dickinson Thomas Holland	Seven Cottages, Outbuildings, and Yard.
11	David Melville Esquire, and Ellen his Wife.		William Rigby Thomas Bee John Cowley Untenanted James Young	
13	Ralph Bolton		Mary Hart Ralph Ashurst James Woods Gilbert Ball Joseph Birchall	Shippon. Five Cottages, Outbuildings, and Yard. Four Cottages, Yard, &c.
15	Henry Robinson and Company.		Himself Themselves	
16	Ditto		William Rich	Cellar Stable. Stables, Yard, and Dung Pit. Joiner's Shop and Yard, also Office. A Yard and Wood Shed.
17	Ditto		Themselves	
18	James Skirrow		Himself	House, Yard, Outbuildings, and Garden. Cellar. House and Yard.
19	Ditto		Edward Taylor	
20	Henry Robinson Robert Fairclough		Henry Taylor John Thornberry Mary Charlton John Howarth	Three Cottages, Outbuildings, and Yard.
21	Robert Fairclough		James Hart John Waring James Rosbottom	
22	Trustees of Saint John's Catholic School.		Themselves	Three Cottages, Outbuildings, and Yard. School House, Outbuildings, and Yard.
23	Robert Fairclough		Himself	
24	Thomas Potter		John Hutchinson George Addison	Dwelling House, Outbuildings, and Yard. Two Dwelling Houses, Outbuildings, and Yards. House and Yard.
26	Thomas Dean		William Sherlock	
27	Ditto		Thomas Ashall	House, Yard, and Outbuildings.

[Local.]

Township of Wigan — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.																		
28	Trustees of Free Grammar School.		Themselves	School House, Yards, and Croft. Gardens.																		
29	Benjamin Bancks and B. Pierpoint, Devisees in Trust of Joseph Bancks.		Eliz. Pemberton																			
30	Robert Worthington		Margaret Brown James Cavanah Margaret Mitton Patrick M'Can Catharine Winward Henry Kay James Cooper Thomas Greenough John Barton Mary Baxendale Jonathan Bolton																			
			<table border="0"> <tr> <td>HOUSE.</td> <td>CELLAR.</td> </tr> <tr> <td>Jos. Winstanley</td> <td>Martha Foster</td> </tr> <tr> <td>John Birtwistle</td> <td>Sarah Jayson</td> </tr> <tr> <td>John Kay</td> <td>Dan. Dickenson</td> </tr> <tr> <td>John Kean</td> <td>John Hurst</td> </tr> <tr> <td>Betty Gaskell</td> <td>George Smith</td> </tr> <tr> <td>Alice Ashurst</td> <td>John Byrom</td> </tr> <tr> <td>Ann Powell</td> <td>Margt. Ashton</td> </tr> <tr> <td>Abm. Crompton</td> <td>Henry Molyneux</td> </tr> </table>	HOUSE.	CELLAR.	Jos. Winstanley	Martha Foster	John Birtwistle	Sarah Jayson	John Kay	Dan. Dickenson	John Kean	John Hurst	Betty Gaskell	George Smith	Alice Ashurst	John Byrom	Ann Powell	Margt. Ashton	Abm. Crompton	Henry Molyneux	Eleven Cottages, Cellars, and Passage.
HOUSE.	CELLAR.																					
Jos. Winstanley	Martha Foster																					
John Birtwistle	Sarah Jayson																					
John Kay	Dan. Dickenson																					
John Kean	John Hurst																					
Betty Gaskell	George Smith																					
Alice Ashurst	John Byrom																					
Ann Powell	Margt. Ashton																					
Abm. Crompton	Henry Molyneux																					
31	Robert Worthington		Patrick Calighan Elizabeth Scholfield James Chaddock																			
32	William Latham		Thomas Finch Empty Edward Knowles Richard Yates James Jolly John Hutchinson jun. Empty James Johnson William Birtwistle Joseph Parr Ann Baydon	Yards for the above Cottages.																		
33	Ditto			Yard for the above Premises.																		
34	Earl Balcarras		James M'Dowell John Ewart																			
35	Ditto		James M'Dowell	Garden. Shippons, Outbuildings, and Yard.																		
36	John Bullock		Himself																			
36a	Ditto		Richard Liptrot	Cottage. Garden.																		
37	Ditto		Himself																			
38	Ralph Spooner and another, Assignees of Jeremiah Taylor, a Bankrupt, who is entitled in right of Mary his Wife.		Richard Brown	Smith's Shop.																		
39	Ditto		John Daniel	Cooper's Shop.																		
40	Ditto			Yard for Cottages.																		
40a	Ditto		William M'Ewen	Garden.																		

Township of Wigan.— continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
41	Ralph Spooner and another, Assignees of Jeremiah Taylor, a Bankrupt, who is entitled in right of Mary his Wife.		William Park Peter Henry Fogg John Daniel Thomas Bowers Martha Bibby John Gore Thomas Jolly Empty	} Seven Cottages and Out-buildings.
42	Ellen Smith and Margery Jones			} Warehouse.
43	Ditto			} Yard and empty Outbuildings.
44	Ditto		Charles Mulholland Samuel Sharp Empty Themselves Widow Row Empty	} Dye House. Cottage. Warehouse. Cottage.
45	Thomas Moore			} Two Cottages.
46	Ditto		William Frodsham Richard Melling John Swift Joseph Hughes John Smith	} Five Cottages.
47	Ditto			} Yard for the above Cottages.
48	Ditto		Himself	} Powder Magazine.
49	John Daglish		Matthew Middlehurst. Ditto	} Yard, Outbuildings, and Passage. Stable, Warehouse, &c. &c.
50	Ditto		James Wilkinson Ditto	} Two Cottages.
51	Thomas Moore		Thomas Ashurst Peggy Gibson Barnard Adams John Wilson Henry Baron Louisa Greenough Thomas Taylor	} Cottage. Ditto. Ditto. Ditto and Stable. Ditto and Yard. Ditto Ditto. Ditto Ditto
52	Ditto		John Smith Daniel Dix Himself	} Two Cottages.
53	Thomas Moore		Himself	} Two Smithies and Rooms over Shed.
54	Ditto		Ditto	} Stable, old Iron Warehouse, and Smithy.
55	Ditto		Ditto	} New Iron Warehouse.
56	Thomas Moore		Himself	} Yards, Passages, &c. to the above Premises.
57	Ralph Knight		George Stephenson	} Public House called Bull's Head. Brewhouse.
57a	Ditto		Ditto	
58	Ditto		John Davidson Empty John Winstanley Joseph Bentley	} Three Cottages.
59	Ditto			} Smithy.
60	Ditto			} Yard and Passage, (Bull's Head) Brewhouse and Out-buildings.
61	The Assignees of Thomas Hall.		Thomas Hall Empty	} House, Shop, and Passage. Ditto.
62	David Melville Esq. and Ellen his Wife.		Jonathan Hallam	} Dwelling House and Shop.
64	Sir Robt. Holt Leigh		James Bullock	} Shop and Premises.
65	Trustees of Molyneux's Charity.	James Bullock	Ditto	} House, Shop, Yard, and Out-buildings.

Township of Wigan — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
66	Sir Robert Holt Leigh.		Archibald M'Lachlin	Public House called the Three Tuns, Brewhouse, and Yard.
67	Ditto	Henry Robinson and Company	Michael Rogan Henry Ledbetter	Cottage. Public House called the Red Lion, Brewhouse, Yard, and Outbuildings.
68				Public Passage to Cowper's Row and Market Place.
69	James and Ralph Knight.		William Hodgeon	House.
70	Ditto		Thomas Baron	House and Shop.
71	Ditto		Themselves	Leather Warehouse.
72	Ralph Bolton		Samuel Fogg Hopwood	Office, Passage, and Yard.
73	Henry Gaskell Esq.		Empty	House and Yard.
74	Ditto		Mary Bonney	Ditto.
75	Thomas Bradshaw and Miss Bradshaw, also Mr. Shepherd and Evan Martlew, Devises in Trust of Joseph Martlew.		Edmund Alston James Scotson	Private Yards.
76	Ditto		Edmund Alston	Warehouse and Outbuildings.
77	Mary Tyror		Richard Barton	Public House called King's Head, Brewhouse, Yard.
78	Sir Robert Holt Leigh.		Empty	} Three Cottages and Yard.
			Peter Richardson Lydia Pemberton John Heys	
79	Ditto		Samuel Aspull	Warehouse.
79a	Ditto			Cooper's Shop. Warehouse where Market Stalls are kept.
80	Ditto		John Alker	Shippon.
81	Ditto		Ditto Thomas Johnson	House and Shop. Public House, Yard, and Outbuildings called Hole i' th' Wall.
81a	Margaret Marsden		John Bennett James Barnes Thomas Wych	Cottage } Two Cottages } Yard and } One Ditto. } Outbuildings.
82	Sir Robert Holt Leigh.		Fanny Wilcock Nancy Bradley John Holcroft John Heys John Alker Samuel Holt	} Four Cottages.
83	Ditto			Shippon. Workshops. Passages round the foregoing Premises.
84	Ditto		Samuel Holt	House and Shop.
85	Ditto		Elizabeth Aspull	Ditto Ditto.
86	Thomas Geo. Bennett		John Alker	Shippon.
87	Ditto		Empty	Workshop.
88	Ditto		Lewis Rowe	Public House, called "Old Dog," Brewhouse, and Outbuildings.
89	Ditto		Charles Savage	House, Shop, and Passage.
90	Thomas Geo. Bennett.		James Hilton	House, Shop, Yard, Passage, and Offices.
91	Surveyors of Highways.			Public Market Place.

Township of Wigan — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
98	John Lord		Josiah Worthington Ryle.	House and Shop.
99	Ditto		John Martin junior	Public House called Legs of Man, Brewhouse, and Outbuildings.
100	Ditto		Ditto	Stables and Outbuildings.
101	Ditto		Empty	Offices.
102	Ditto			Yard to Mr. Lord's Premises, and Coal Hole.
103	Ditto		Richard Newsham	House and Shop.
104	James Newsham		Himself	House and Shop.
105	James Berry and George Gaskell, Devises in Trust of the late James Walker.		Mary Walker	House and Passage.
106	Ditto		James Newsham	Kitchen.
107	Ditto		John Douglas James Ashurst	} Two Cottages.
108	Ditto		T. G. Bennett	Warehouse and Outbuildings.
108a	Ditto		Hannah Martindale	Cottage.
109	Ditto		James Hyslop.	House.
110	Ditto		Thomas Nicholson	Cottage.
111	Ditto			Yard to the above Premises.
112	Ditto		Mrs. Walker and James Hyslop.	Garden.
113	James Newsham		James Brarly Ruth Taylor Richard Hatton Thomas Bannister	} Seven Cottages.
			Empty Ann Pincock. James Mather.	
114	Ditto		Michael Wilcock Thomas Lewis Richard Ball Luke Standing	} Four Cottages and Outbuildings.
115	Ditto		Empty	Old Factory Yard and Outbuildings.
116	Devises of James Walker.		T. G. Bennett	Garden and Outbuildings.
117	Ditto			} Yard to James Newsham's Premises called Old Factory Yard.
118	Ralph Thicknesse and Thos. Woodcock.		William Scholfield	Cottage.
119	Ditto		Themselves	Stable and Outbuildings.
120	Ralph Thicknesse and Thos. Woodcock.		John Brown and William Croudson.	Garden.
121	David Brown		Thomas Almond	Ditto.
121a	Ditto		Himself	Ditto.
122	Molly Penson		Herself	Ditto.
122a	Ditto		Archibald Stewart	Ditto.
123	Ditto		Herself	Summer House.
124	The Honourable and Rev. George Bridgeman, Incumbent, Earl of Bradford, Patron.		James Thompson	Garden (Glebe Land).
125	Ditto		Richard Boardman	Garden (Ditto).

[Local.]

Township of Wigan — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
137	Eliz. and Jane Kenyon.		Themselves	Wood.
150	Thomas Woodcock and Thos. Roby, surviving Devisées in trust of the late Robert Banks.		William Rigby	Wood.
152	Sir Rob ^t Holt Leigh		Robert Topping	Plantation.
154	Ditto		Ditto	Ditto.
155	Ditto		Ditto	Ditto.
160	Ditto		Ditto	Barn.
162	Ditto		Himself	Plantation
180	Jas. Alex. Hodson Esq.		Hon. and Rev. G. Bridgeman.	Small Plantation.
185	Ditto		William Wallbank	House, Shippon, Garden, and Outbuildings.
198	Churchwardens and Overseers of Poor of Wigan.		Themselves	Wigan Workhouse, House, Garden, Outbuildings, Yard, &c.
199	Ditto		Ditto	Garden.
204	Trustees of Sixmith's Charity.		Richard Ditchfield	Cottage and Garden.
206	Elizabeth and Jane Kenyon.		William Eckersley	Garden.
207	Ditto		Ditto	House, Barn, Shippon, Stables, Outbuildings, and Yard.
232	Leeds and Liverpool Canal Company.		Themselves	Feeder to the Leeds and Liverpool Canal.
236	Ralph Bolton		Ralph Bolton	The Pepper Mill, Houses, Yards, and Outbuildings, and Mill Sluice running from the Mill.

Township of Standish with Langtree in the Parish of Standish.

8	Chas. Standish Esq.		John Jackson	Garden.
9	Ditto		Lawrence Sharrock	Public House called Boar's Head, Yard, Outbuildings.
10	Ditto		John Jackson	Barn, Shippon, &c.
12	Ditto		Ditto	House, &c.
19	Ditto		Henry Cowell	Garden.
20	Ditto		Ditto	House, Shippon, &c.
39	Ditto		Robert Ince	House, Shippon, Stable, &c.
40	Ditto		Ditto	Garden.
64	The Rev. W. Greene Orritt, Incumbent, Charles Standish Esq. Patron.		The Rev. W. G. Orritt.	Wood.
69a	Ditto		Ditto	Ditto.
72a	Ditto		Ditto	Ditto.
78	Ditto		Ditto	Ditto.
81	Major Sir R. Clayth		Richard Fisher	Plantation or Coppice.

Township of Worthington, Parish of Standish.

15	Sir Robert Clayton		Thomas Bretherton	House, Barn, &c.
16	Ditto		Ditto	Garden.
19	Ditto		John Pennington	Garden.
20	Ditto		Ditto	House, Outbuildings, &c.

Township of Coppull, Parish of Standish.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
21	William Taylor		Richard Whittle	Cottage, Outbuilding, &c.
22	Ditto		Ditto	Garden.
23	Ditto		Himself	Barn, Cottage, Garden, Outbuildings, &c.
24	Ditto		Ditto	Orchard.
25	Ditto		Ditto	Ditto.
27	John Marsden		William Taylor	Barn, Shippon, &c.
28	Ditto		John Westhead	Cottage.
30	Ditto		Ditto	Garden.
36	Rev. Rd. Cardwell		Thomas Woodcock	Garden.
37	Ditto		Ditto	House and Outbuildings.
40	Coheirs of John Harrison dec ^d .		William Riding	Garden.
41	Ditto		Ditto and John Riding.	Cottages.
42	Ditto		Richard Hunter	Ditto.
42a	Ditto		John Riding	Garden.
43	Ditto		Edward Calderbank	Ditto.
44	Ditto		Richard Hunter	Ditto.
45	James Mawdesley		Thomas Fisher	Ditto and Yard.
46	Ditto		Ditto	Cottages.
51	Township of Coppull.		Township Pinfold.	
52	Thomas Case Esq.		John Glover	Wood.
64	Heirs or Devisees of Sam ^l Freeman, Esq.		William Wilding	Orchard.
65	Ditto		Ditto	House, Shippon, &c.
70	Ditto		Hugh Calderbank	Garden.
71	Ditto		Ditto	House, Shippon, &c.
74	William Yates		Himself and John Miller.	Cottage, Barn, Stable, Outbuildings, &c.
75	Ditto		Thomas Berry	Cottage and Yard, &c.
76	Ditto		Himself and William Sharples.	House, Yard, &c.
77	Ditto		Himself	Garden.
78	Ditto		Ditto	Orchard.
87	Thomas Hawkhead Esq.		James Cooper	Brushwood.
89	Ditto		Ditto	Clump of Wood.
108	John Johnson Esq.		Jeffrey Winstanley	Barn, Stable, Shippon, Yard, and Outbuildings.
109	Ditto		Ditto	House and Garden.
114	Ditto		Himself	Wood.

Township of Charnock Richard, Parish of Standish.

7	Heirs or Devisees of Sam ^l . Freeman Esq.		William Fell	House, Shippon, Yard, and Outbuildings.
9	Ditto		Ditto	Garden and Orchard.
13	Lady Hoghton		George Roberts	Garden.
14	Ditto		Ditto	House, Shippon, Outbuilding, and Yard.
21	Whittle Fallows		Himself	House, Stable, Shippon, Outbuildings, and Yard.
22	Ditto		Ditto	Garden and Orchard.
22a	Ditto		Ditto	Ditto and Plantation.
25	Ditto		James Corner	House, Barn, Outbuilding, and Yard.

Township of Charnock Richard — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
26	Whittle Fallows Whittle.		Robert Greenalgh	Cottage.
27	Ditto		James Corner	Garden.
29	Ditto		Ditto	Ditto.
33	Ditto		Robert Greenalgh	Ditto.
34	Richard Prescott German Esq.		John Roscoe	Ditto.
35	Ditto		Ditto	Cottage and Yard.
36	Lady Hoghton		William Dutton	Garden and Orchard.
37	Ditto		Ditto	Cottage, Yard, and Out- buildings.
46	Ditto		Richard Whittle	Garden.
47	Ditto		Ditto	House, Barn, Shippon, Out- buildings, &c.
48	Ditto		Ditto	Garden.
51a	Ditto		Peter Halsall	Orchard.
52a	Ditto		Ditto	Barn, Shippon, Outbuildings, &c.
52	Ditto		Ditto	House, Yard, and Outbuild- ings.
61	Ditto		Ditto	Wood.
62	Richard Prescott German Esq.		Richard Halewood	Ditto.
66	John Armstrong, Henry Booth, the Rev. Wm. Shep- herd, and Robert Darbyshire, De- visees in Trust of Abraham Comp- ton Esquire.		Themselves	Ditto.
76a	Lady Hoghton		Robert Dickenson	Garden.
77	Ditto		Ditto	Barn, Yard, and Outbuildings.
78	Ditto		Ditto	Garden.
79	Ditto		Ditto	House, Outbuildings, and Yard.
88	Thomas Coward		Sarah Charnock	Ditto.
90	Ditto		Ditto	Barn Yard, &c.
89	John Charnock		James Watson	Garden, Cottages, &c.
89a	Ditto		Untenanted	Cottage, Garden, and Yard.
95	Thomas Coward		Sarah Charnock	Garden.

Charnock Richard, continued Branch Line to Welch Whittle.

110	The Heirs of Widow Cowling.		Charlotte Cowling Joseph Whittle Nancy Woods	Three Cottages, Outbuild- ings, Garden, and Yard.
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Township of Welch Whittle, Parish of Standish.

7	Trustees of Wigan and Preston Turn- pike Road.			Toll House.
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Township of Euxton, Parish of Leyland.

5	James Talbot		William Farnworth	Wood Land.
6	Ditto		Himself	Ditto.
15	Ditto		William Farnworth	Garden.
16	Ditto		Ditto	House, Garden, Yard, and Outbuildings.

Township of Euxton — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
21	Thos. Knollis Gosnell, Jane Gosnell, Mary Wyatt, Jas. Pilkington, John Barstow, Mary Wainwright and George Gaskell, Nathan Gaskell the younger and William Sutton, Robert Makin, George Johnson Wainwright, Edward Lister and Thomas Wyatt Wainwright, Co-heirs of James Longworth deceased.		George Woods	Garden.
23	John Balshaw		John Balshaw	Orchard.
25	Longworth's Heirs		George Woods	Cottage, Garden, and Croft.
29	Mrs. Mandeville		James Platt senior	Wood Land.
37	Adam Woods		William Harrison	Garden.
39	Robert France		Robert France	Cottage and Garden.
40	Ditto		John Nixon	Ditto.
39a	Longworth's Heirs		Thomas Grime	Garden.
44	Roger Brown		Roger Brown	Cottage, Weaving Shop, Yard, and Outbuildings.
45	William Clarkson		Thomas Uxley	Ditto
46	Richard Rose		Henry Livesay	Ditto
47	James Ditchfield		Thomas Derbyshire	Ditto
48	Spencer Pilkington		Thomas Harrison	Ditto
49	William Clarkson		John Houlding	Ditto
50	Cornelius Parish		Hugh Fishwick	Ditto
51	George Bretherton		John Bromilow	Ditto
52	Ann Hartley		John Pilkington	Ditto
53	William Clarkson		John Parkinson	Ditto
55	Longworth's Heirs		James Eccles	House, Barn, Fold, and Garden.
56	Hugh Holding		John Bromilow and Hugh Houlding.	House, Cottage, and Garden.
56a	Jane Johnson		Herself	House and Garden.
57	George Woods		John Green, Thos. Bennett, and Susanna Addison.	Gardens.
61	Longworth's Heirs		Ralph Rosbottom	Cottage, Outbuildings, and Garden.
62a	Ditto		William Platt	Cottage and Outbuildings.
63	Rev. — Armetriding, Patron, Rev. — Briarly, Incumbent.		William Bannister	Garden.
64	Ditto		Ditto	Public House, Barn, Outbuildings, and Fold.
78	William Clarkson		Himself	Orchard and Garden.
79	Ditto		Ditto	House, Barn, Fold, and Outbuildings.
80	Ditto		George Woods	Cottage, Garden, and Outbuildings.
85	Hugh Holding		John Rasbottom	Garden.
86	Ditto		Ditto	House, Fold, Shippon, and Outbuildings.
93	William Taylor		James Lancaster	Cottage and Outbuildings.

[Local.]

Township of Euxton — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
94	William Taylor.		Not occupied	Cottage and Outbuildings.
100	Ditto		James Skitt	Ditto.
101	Ditto		John Ravenscroft	Ditto.
103	Thomas Livesay		James Marsden	Dwelling House, Garden, and Outbuildings.
104a	Ditto		Untenanted	Ditto, and Plantation.

Township of Leyland and Parish of Leyland.

9	William Farington Esq.		Himself	Wood Land.
16	Ditto		John Fowler	Potatoe Garden.
17	Ditto		Ditto	Cottage, Shop, Shippon, Stack Yard, Outbuildings, and Garden.
20	Ditto		John Leyland	Potatoe Garden.
27	Ditto		John Hesketh	Garden.
26	Ditto		Ditto	Potatoe Garden.
28	Ditto		Ditto	House, Barn, and Fold, Shippon, Stable, and Outbuildings.
29	Ditto		Ditto	Garden.
30	Ditto		Ditto	Orchard.
37	Ditto		James Waddicar	Cottage, Garden, and Shippon.
40	John and Thomas Dean.		Andrew Robinson	House and Fold, Outbuildings, and Garden.
41	Ditto		Robert Gabbot	Barn.
45	Ditto		John Guthrie	Nursery Garden.
59	William Pollard		Henry Lowe	Cottage, Outbuildings, and Garden.
60	Ditto		Roger Dawson	Ditto.
61	Ditto		Betty Snailham	Ditto.
62	Ditto		Francis Parkenson	Farm House, Shippon, Garden, Fold, and Outbuildings.
62a	Ditto		William Cocker	Cottage.
63	Ditto		James Sharrock	Ditto and Garden.
65	Matthew Bateson		Himself	House, Shippon, and Outbuildings.
66	Ditto		Ditto	Cottage and Garden.
67	Wm. Dawson and others, Trustees of Balshaw's Charity.	Henry Kelet	Richard Pye	Cottage.
68	Ditto	Ditto	Richard Rigby	Ditto.
73	Arthur Dawson		John Heywood	Cottage and Garden.
74	Ditto		Peter Pool	Ditto.
75	Ditto.		Mary Bromley	Ditto.
76	Arthur Dawson		James Fawcett	Cottage and Garden.
77	Ditto		Robert Morris	Ditto.
85	Mary Tasiker		Evan Bannister	Ditto.
86	Ditto		Richard Bannister	Ditto.
87	Richard Hoghton		Thomas Blackledge	Ditto.
88	Ditto		John Clarkson	Ditto.
89	Alice Turner		Alice Turner	Ditto.
90	Ann Serjeant and Sister.		John Pollard	Ditto.
91	William Bateson		John Ridley	Ditto.
92	Ditto		James Rigby	House, Outbuildings, Garden, and Shippon.
93	Elizabeth Carr		Richard Blackburn	Ditto.

Township of Leyland — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
97	William Bamber		William Swan	Orchard and Garden.
100	John Finch's Heirs		Ditto	Ditto.
108	Edward Boardman	William and Henry Brindle.		Dwelling House, Outbuildings, &c.

Township of Farington, Parish of Penwortham.

6	William Taylor, John Taylor, and Chas. Edward Quarm, Devises in Trust of John Dawson.		Thomas Beardwood	Barn and Stack Yard.
7	Ditto		Ditto	Garden.
8	Ditto		Ditto	Farm House, Outbuildings, and Fold.
16	Henry Dawson		Robert Harrison	Garden.
18	Ditto		Ditto	House, Barn, Garden, Outbuildings, and Fold.
65	L. Rawsthorne Esq.		Samuel Marsden	Garden.
67	Ditto		Ditto	House, Garden, Outbuildings, Shippon, and Stable.
66	Ditto		Mary Robinson	Garden.
68	Ditto		Ditto	Cottage.
69	Ditto		Samuel Marsden	Garden.
76	John Boardman		George Beardworth	Garden.
91	N. Grimshaw Esq.		John Sumner	Ditto.
92	Ditto		Ditto	Barns, Shippon, Stable, Outbuildings, and Fold.
93	Ditto		Ditto	House, Orchard, and Garden.
97	Lawrence Rawsthorne		John Heaton	Garden.
98	Ditto		Ditto	Cottage and Garden.
102	Ditto		Henry Brown	Garden, Fold, Outbuildings, and Barn.
103	Ditto		Ditto	Meadow Croft, Orchard, and House.
104	Ditto		Ditto	Outlet.
105	Ditto		Ditto	Garden.
117	William Bamber		Robert Heskeath	House, Shippon, Garden, and Outbuildings.
120	William Mayor		William Billington	Cottage and Garden.
121	Ditto		William Mayor	House, Barn, Outbuildings, and Fold.
122	Ditto		Nathaniel Barnes	Cottage.
124	Ditto		Himself	Gardens.
130	Thomas Slater and Jane Slater.		Robert Wignall	Cottage and Garden.
131	Ditto		William Heaton	Ditto.
132	Ditto		Themselves	Ditto.

Township of Penwortham, Parish of Penwortham.

3	William Mayor		Robert Bradshaw	Cottage, &c.
11	Charles Dicconson Esquire.	Thomas Hawkshead Esquire.	Thomas Moon	Cottage and Garden.
12	Ditto	Oliver Knowle and William Riding.	Robert Serjeant junior.	Cottage, Outbuildings, and Garden.
13	Ditto	Ditto	William Heaton	Ditto
15	Ditto	Thomas Hawkshead	Thomas Moon	House, Barn, Garden, Stack Yard, and Outbuildings.
26	John Miller		George Whitaker	Cottage, Outbuildings, and Garden.

Township of Penwortham—continued

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
28	John Miller		William Miller	Cottage and Outbuildings,
29	Ditto		Henry Whitehead	Ditto and Garden.
30	Ditto		John Miller	Ditto.
31	Charles Dicconson Esquire.	James Beardsworth	James Beardsworth	Orchard and Garden
33	Ditto	Ditto	Ditto	House, Garden, Outbuildings, and Barn.
34	Ditto	Ditto	Elizabeth Eaves	Cottage.
35	Ditto	Ditto	Elizabeth Beardsworth	Ditto and Garden.
36	John Aspinall Esq.		John Lingard	Ditto.
37	Ditto		James Spencer	Ditto.
38	Ditto	James Beardsworth	James Beardsworth	Barn.
40	Ditto	Ditto	Ditto	Garden.
46	Robert Livesay		Not occupied	House and Garden.
47	Ditto		William Brown	Ditto.
48	John Gregson		William Blackburn	Garden.
51	Ditto		Thomas Allanson	Cottage, Yard, and Garden.
52	Ditto		William Blackburn	Ditto.
55	Ellen Mawdesley		William Lee	Cottage and Garden.
56	Ditto		Miles Sumner	House, Garden, and Orchard.
61	John Pickering		Richard Smalley	Garden.
63	Ditto		Ditto	Ditto.
62	Ditto		Ditto	House, Outbuildings, Fold, and Lane.
65	Sir H. P. Hoghton		Thomas Billington	Cottage, Fold, Outbuildings, and Garden.
67	Ditto		Ditto	Shippon and Garden.
68	Thomas Hawkshead Esquire.		Sarah Eastham	Cottage, Garden, and Outbuildings.
69	Ditto		James Briggs	Ditto.
71	Ditto		Oliver Kellet	Public House and Garden.
71a	Ditto		Ditto	Garden.
75	R. J. J. Norreys		Robert Billsborough	Fold and Barn.
76	Ditto		Ditto	House and Garden.
77	Ditto		William Dean	Cottage and Garden.
78	Ditto	German and Petty	Henry Kirkham	Ditto.
79	Ditto	Ditto	James Howard	Ditto.
82	John Giller		Thomas Wigans	Ditto.
85	Ditto		John Giller	Ditto.
87	Ditto		Ditto	Garden.
86	Charles Dicconson Esquire.		Ditto	Ditto
88	Ditto		Ditto	Ditto.
89	R. J. J. Norreys		Robert Billsborough	Ditto.
96	Sir H. P. Hoghton		James Gregson	Farm House, Outbuildings, and Garden.

Branch to Browndge Lane,

Township of Walton le Dale and Parish of Blackburn.

15	Sir H. P. Hoghton		Richard Rigby	House, Barn, Outbuildings, Garden, and Fold.
16	Ditto		Ditto	Orchard.
30	Ditto		Richard Cowling	Farm House, Fold, Outbuildings, and Garden.
34	Ditto		James Wilson	Ditto.
33	Ditto		Ditto	Orchard.
50	Robert Moss		Untenanted	House, Outbuildings, Fold, and Garden.
55a	Sir H. P. Hoghton		Thomas Lancaster	Garden.

Township of Preston and Parish of Preston.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
1	John Moss		Esther Parkinson and George Blackburn.	Cottage and Yard.
2	Ditto		Robert Dagger and Thomas Marsden.	Ditto.
3	Ditto		Not occupied, and Mary Pickup.	Ditto.
4	Ditto		William Harrison and Thos. Markland.	Ditto.
4a				Covered Passage.
5	Ditto		Christopher Seed and Richard Atherton.	Cottage and Yard.
6	Ditto		Isaac Watson	Ditto.
7	Ditto		Ralph Spencer and Thomas Smith.	Ditto.
8	Ditto		John Shaw	Ditto.
9	Ditto		Ann Farington	Ditto.
10	Ditto		James Hodgkinson	Ditto.
11	Ditto		John Roughsedge	Ditto.
12	Ditto		Thomas Blackburn	Ditto.
13	Ditto		Hugh Parker	Cottage.
14	Ditto		Betty Dayken	Ditto.
14a				Yards to the above Cottages.
15	James Blackburn		Thomas Topping	Cottages.
15a	Ditto			Covered Passage.
16	James Blackburn		John Turner	Cottage.
17	Ditto		Thomas Furness	Ditto and Yard.
18	Ditto		Mary Newsham	Ditto.
19	Ditto		John Cowell	
19a	Ditto			Covered Passage.
20	Ditto		Ann Fairclough	Cottage and Yard.
20a	Ditto			Yards to the above Cottages.
21	Ditto		Thomas Watson and Jane Whittle.	Cottage and Yard.
22	Ditto		Thos. Gardner and Rowland Moulding	Ditto.
22a	Ditto			Covered Passage.
23	Ditto		Henry Catterall and William Monks.	Cottage and Yard.
24	Ditto		Henry Seed and John Aspinall.	Ditto.
25	Ditto		William Mayor and John Wignal.	Ditto.
26	James Blackburn		Leonard Threlfall and Kitty Banister.	Cottage and Yard.
27	The late John Winder's Executors.		Robert Norris and Peggy Walmsley.	Ditto.
28	Ditto		Jennet Halsall and James Aspinall.	Ditto.
29	Ditto		Wm. Jackson and Ellen Sumner.	Ditto.
30	Ditto		William Wilson and Henry Pilling.	Ditto.
31	Ditto		Mary Cuerden	Ditto.
32	Ditto		James Bentley	Ditto.
33	Ditto		Mary Bowmen	Ditto.
34	Ditto		William Bagot	Ditto.
34a	Ditto			Covered Passage.
35	Ditto		John Worden	Cottage.

[Local.]

Township of Preston — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
36	The late John Winder's Executors.		Richard Watson and James Cornell.	Cottage.
36a				Yards to the above Cottages.
37	William Eccleston		William Eccleston	Dwelling House, Outbuildings, Stables, Yard, and Garden.
38	Mary Newsham		Margaret Norris	Dwelling House, Outbuildings, and Yard.
39	Ditto		Peter Whittle	Ditto.
40	Ditto		William Noblet	Ditto.
41	Mrs. Jane Dewhurst.		Not occupied	Ditto and Garden.
42	Ditto		William Smith	Ditto.
43	Ditto		Miss Cowburn	Ditto.
44	Ditto		Mrs. Jane Dewhurst.	Ditto.
45	Ditto		Ditto	Warehouse.
46	Ditto		Ditto	Garden.
47	Ditto		Richard Talbot	Dwelling House, Outbuildings, Yard, and Garden.
48	Ditto		Miss Cowburn and William Smith.	Garden.
49	Miss Bairstow and Sisters.		Miss Bairstow and Sisters.	Dwelling House, Outbuildings, Yard, and Garden.
50	Robert Roper		Robert Roper	Ditto.
51	James Mounsey Esq.		James Mounsey Esq.	Ditto.
52	Miss Bairstow and Sisters.		Miss Bairstow and Sisters.	Garden.
53	Ditto		Ditto	Ditto.
54	The Earl of Balcarras		The Earl of Balcarras and John Chambers.	Cottage, Stables, Yards, and Outbuildings.
55	Mrs. Bushell and Miss Dalton.		George Cooper	Dwelling House, Outbuildings, Stables, Yards, and Gardens.
56	The Devisees of the late Timothy Wren.		The Rev. Roger Carus Wilson.	Dwelling House, Outbuildings, Yards, and Gardens.
57	Ditto		Edward Rodget	Dwelling House, Outbuildings, Yard, and Garden.
58	Titus Bourne and Mary Woodcock.		Peter Haydock	Ditto.
58a	Ditto		Thomas Latham	Cottage.
59	John Lawe Esq.		Paul Catterall	Dwelling House, Outbuildings, Yard, and Garden.
62				Passage.
63	John Lawe Esq.		John Lawe Esq.	House, &c.
64	Dr. St. Clare's Heirs		George Ainsley	Garden.
65	John Smith		John Smith	House, Garden, Yard, and Outbuildings.
66	Ditto		George Ainsley	Ditto.
67	James Teebay		Thomas Crane jun.	Ditto.
68	Dr. St. Clare's Heirs	Mrs. St. Clare	Thomas Ainsworth Esq.	Ditto.
68a	Ditto		Ditto	Garden.
68b	Ditto		Ditto	Outbuildings, Garden, and Pleasure Ground.
69	Robert Westmore		Miss Crane	Dwelling House, Garden, Outbuildings, and Yard.
70	Peter Cattrall		Edward Harrison	Dwelling House, Outbuildings, and Yard.
71	Robert Westmore		Unoccupied	Building Ground.
72	Mr. Marshall		Mrs. Winder	Ditto.

Township of Preston — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
73	William Morgan		Edward Forshaw	Ditto, and Garden.
74	Thomas Dobson		Thomas Dobson	Ditto.
75	John Fish		Ann Foster	Ditto.
75a	Ditto			Covered Passage.
76	Joseph Kenyon		Joseph Kenyon	Dwelling House, Outbuildings, Yard, and Garden.
77	James Ogilvie		Isabella Ryley	Ditto.
78	George Clarkson		Andrew Caunce	Ditto.
79	John Horn		John Horn	Dwelling House, Outbuildings, Yard, and Garden.
80	Ditto		Miss Green	Ditto.
81	George Clarkson		James Pool	Ditto.
82	Henry Paul Fleetwood.		John Rodget	Ditto.
82a	James Irving		Not occupied	Ditto.
83	Ellen Park and Mary Fowler.	James Ogden	Maria Kean	Ditto.
84	James Pedder Esq.		Miss Pedder	Ditto.
85	Jonath. Lodge Esq.		Jonath. Lodge Esq.	Ditto.
86	John Gradwell		Richard Carr	Ditto.
87	Ann Hargreaves		Mrs. Dawson	Ditto.
88	Rich ^d Palmer Esq.		Rich ^d Palmer Esq.	Ditto.
89	John Harrison		John Slater	Ditto.
90	Ditto		Mrs. Gradwell	Ditto.
91	Phillip Park		Thomas Metcalf	Ditto.
92	Ditto		James Berket	Ditto.
93	Ditto	Miss Shuttleworth	Miss Shuttleworth	Ditto.
94	Jonath. Lodge Esq.		Jonath. Lodge Esq.	Garden.
95	Richard Palmer and Ann Hargreaves.			Building Land.
99	Mrs. Blanchard and Miss Butler.		Not occupied	Garden.
98	Ditto		Ditto	Building Ground.
100	Henry Paul Fleetwood.		Henry Paul Fleetwood.	Garden.
101	James Pedder Esq.		John Greenwood	Ditto.
102	Joseph Robinson		Ditto	Ditto.
103	Joseph Harrison		James Cuerden	Cottage.
104	Ditto		Thomas Bradshaw	Ditto.
105	Ditto		John Critchley	Ditto.
106	Ditto		John Procter	Ditto.
107	Ditto		George Leeming	Ditto.
108	Ditto		Thomas Bourdley	Ditto.
109	Ditto		William Kirkham	Ditto.
110	Joseph Harrison		Richard Cuerden	Cottage.
111	Joseph Harrison		Thomas Ellerthorne	Cottage.
112	Ditto		Ann Wilson	Ditto.
113	Ditto		Unoccupied	Outbuildings.
113a	Ditto		Joseph Kenyon	Garden.
116	The Corporation of Preston.	John Barton Esq.	William Beesley, John Park, John Wise Pemberton, Richard Mason, Thomas Robinson, Hig-ganson, Henry Hunt, and John Taylor.	Garden Ground.
117	John Barton Esq.		Robinson Watson Robinson M. D.	Plantation.
127	Ditto		Ditto	Garden.

Township of Preston — continued.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
129	John Barton Esq.		Robinson Watson Robinson M.D.	Gardens and Plantations.
120	The late Bradshaw Hoskinson's Heirs, and John Swainson Esq.		William Beesley	Dwelling House, Outbuildings, and Yard.
121	Ditto		Ditto	Garden.
123	Ditto		Ditto	Wood Shed.
124	Ditto		Ditto	Garden Ground.
125	John Swainson Esq.		James Bruce	Garden Ground.
132	Ditto		Not occupied	Cottage.
133	Ditto		James Cowell and Richard Clarkson.	Garden Ground.
134	Maria and Charles Buck, Devisees in Trust of the late Wm. Buck Esq.		John Taylor	Nursery Ground.
135	The Corporation of Preston.		William Eccleston	Outbuildings.
136	Ditto	John Wise	John Wise	Orchard and Garden.
139	Mrs. Cross		John Ainsworth	Garden.
140	Wm. Clayton Esq.		Charles Jackson	Ditto.
147	Charles Jackson		Ditto	Ditto.
149	Edw ^d Stanley Esq.		John Wise	Ditto.

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