



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lii.

An Act to amend and enlarge the several Acts relating to the *Bolton* and *Leigh* Railway, and for other Purposes. [20th *May* 1836.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from or near the Manchester, Bury, and Bolton Canal in the Parish of Bolton-le-Moors, to or near the Leeds and Liverpool Canal in the Parish of Leigh, all in the County Palatine of Lancaster*, the several Persons thereby united and made One Body Corporate, by the Name and Style of "*The Bolton and Leigh Railway Company*," were authorized to make and maintain the said Railway or Tramroad, and the Two Collateral or Branch Railways and Tramroads, and the other Works in the said recited Act mentioned, and for that Purpose to raise and contribute amongst themselves, or by the other Ways and Means mentioned in the said Act, a competent Sum of Money not exceeding in the whole the Sum of Forty-four thousand Pounds: And whereas the said Company did, pursuant to the Powers and Provisions of the said recited Act, subscribe for and raise among themselves the said Sum of Forty-four thousand Pounds, which was divided into Four hundred and forty Shares of One hundred Pounds each Share, and the whole of such Sum of Forty-four thousand Pounds has been expended in the making of the said Railway and Works: And

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whereas

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whereas by another Act passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act for amending and enlarging the Powers and Provisions of an Act relating to the Bolton and Leigh Railway*, the said Company were empowered to raise amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or by such other Ways and Means as are in the said last-recited Act mentioned, any further Sum or Sums of Money, not exceeding in the whole the Sum of Twenty-five thousand Pounds, over and above the Sum authorized to be raised by the said first-recited Act: And whereas by the said last-recited Act it was further enacted, that in case the said Company should be desirous of raising the said further or additional Sum of Twenty-five thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it should be lawful for the said Company, in the Manner therein mentioned, to borrow and take up at Interest all or any Part of the said further or additional Sum of Twenty-five thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Rates, Tolls, and Duties to arise by the said several recited Acts, or any Part thereof, as a Security for any such further Sum to be borrowed as aforesaid, with Interest, to such Person or Persons, Body or Bodies, as should lend or advance the same: And whereas the said Company did, under and by virtue of the Powers and Provisions of the said last-recited Act, raise amongst themselves, by the Creation of new Shares, a further or additional Sum of Twenty-two thousand Pounds, which was divided into Two hundred and twenty Shares of One hundred Pounds Value each Share: And whereas the said Company did also, pursuant to the Provisions of the said last-recited Act, raise upon Mortgage of the said Undertaking the Sum of Three thousand Pounds, being the Residue of the said Sum of Twenty-five thousand Pounds by the said last-recited Act authorized to be raised, and the whole of the said Sum of Twenty-five thousand Pounds has been expended upon the said Railway and Works: And whereas by another Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend and enlarge the several Acts relating to the Bolton and Leigh Railway*, the said Company were empowered to create Six hundred and sixty new Shares of Twenty-five Pounds each: And whereas it was by the said last-mentioned Act further enacted, that it should be lawful for the said Company to raise, by the Ways and Means therein mentioned, such further Sum or Sums of Money as should from Time to Time be found necessary for the Purposes of the said several Acts and of the Act now in recital, not exceeding in the whole the Sum of Twenty-five thousand Pounds: And whereas pursuant to the said last-recited Act the said Company have raised amongst themselves, by the Creation of Six hundred and forty-one new Shares of Twenty-five Pounds each, the further Sum of Sixteen thousand and twenty-five Pounds, and have also raised on Mortgage the further Sum of Twenty-one thousand one hundred Pounds, and the whole of these Sums has been expended upon the said Railway and Works: And whereas it is expedient that the said Company should be empowered to connect their Railway with the Railway now in course of Formation from *Bolton to Manchester and Bury*, and also that, for the Purpose of enabling the said Company to effect such Connexion, and for the general Purposes of the Undertaking, the said Company should be enabled to raise a further Sum of Money, and also that some of the Powers and Provisions of the said Acts should be altered, amended, enlarged, and explained, and that

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further

further Powers should be granted: And whereas the several Purposes aforesaid cannot be carried into execution 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 Parliament assembled, and by the Authority of the same, That the said several recited Acts, and the Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein respectively contained, shall (except so far as the same or any of them have heretofore been or are hereby altered, varied, or repealed, or otherwise provided for,) be good, valid, applicable, and effectual for carrying this Act into execution, as fully as if such Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things had been hereby expressly repeated and re-enacted.

Powers of recited Acts (except as repealed) extended to this Act.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to take Land for the Purpose of, and to make, construct, and maintain a Branch Railway (with all necessary and convenient Works connected therewith) from the Main Line of the said *Bolton* and *Leigh* Railway within *Great Bolton* otherwise *Bolton-le-Moors* aforesaid, to and to communicate with the Railway now in course of Formation from thence to *Manchester* and to *Bury*, and which said Branch Railway will pass through or into the several Parishes or Parochial Chapelries, Towns, Townships, or Places of *Bolton*, *Great Bolton*, and *Bolton-le-Moors*, some or one of them; and such Branch Railway shall be and be deemed (for all the Purposes of this and of the said several recited Acts) to be Part and Parcel of the "*Bolton* and *Leigh* Railway," and of the Works appertaining thereto.

Power to connect with the Manchester, Bolton, and Bury Railway.

III. And whereas a Plan describing the Line of the said Branch Railway, and the Lands in and through which the same is intended to be carried or made, together with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners and of the Occupiers of such Lands, have been deposited with the Clerk of the Peace of the said County of *Lancaster*: And whereas since the said Plan and Book of Reference was deposited as aforesaid a certain Deviation from or Alteration of such Plan hath been agreed upon with the said Company, at the Request and with the Concurrence of the Owner of the Lands through which such Deviation or Alteration is to be made; be it therefore enacted, That Copies of a Map or Plan showing the altered Line so agreed upon, and authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, within One Calendar Month after the passing of this Act, be deposited with the Clerk of the Peace of the said County of *Lancaster*, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Plan and Book of Reference, or any Copy thereof, or of so much thereof respectively as shall relate to any Matter in question, certified by the said Clerk of the Peace, shall be good Evidence in all Courts of Law; and the said Company in making such Railway shall not, so far as regards the Lands through which such Line so altered and agreed upon

Authenticated Plan to be deposited with Clerk of the Peace, and be open to Inspection.

upon will extend, deviate at all from the Line so altered and agreed upon and authenticated as aforesaid, and as regards all other Parts of the said Line the said Company shall not deviate therefrom more than One hundred Yards.

Unintentional Errors in Map or Plan not to obstruct the Execution of the Act.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make such Branch Railway and Works, although the Lands or any of them in or through which the same are intended to pass, or the Situation of such Lands, or the Names of the Owners and Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Plan and Book of Reference, and in this Act and in the Schedule hereto, if it shall appear to a Justice of the Peace of the said County of *Lancaster* (in case of Dispute about the same), and be by him certified in Writing, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence.

Company not to take Property other than mentioned in the Schedule, &c.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company to take, injure, or damage, for the Purposes of this Act, any House which was erected on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five, or any Ground which was then set apart and used as a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any Ground then inclosed and planted as an Ornament or Shelter to a House, or as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed (without the Consent of the Owner), unless the Omission thereof in such Schedule shall have proceeded from Mistake, and it be so certified in manner herein-before mentioned.

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

VI. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company; and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Restricting Speed of Engines when

VII. And be it further enacted, That the said Company shall on no Occasion pass any locomotive Steam Engine across any Street or public Carriage

Carriage Road intersected by the Branch Railway hereby authorized at a greater Speed than after the Rate of Three Miles in an Hour, and that the Rails of the said Branch Railway shall not rise above or sink below the Level of any such Street or Road more than One Inch. crossing Streets.

VIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to raise and borrow, on the Credit of the said Undertaking and of the Rates and Tolls thereof, or upon Bond, or by way of Annuity, or partly by the one and partly by the other of such Means, as is mentioned and contained in the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth with respect to the Money thereby authorized to be raised, such Sum and Sums of Money as shall from Time to Time be found necessary for the Purposes of the said several recited Acts and of this Act, not exceeding in the whole the Sum of Sixty thousand Pounds, over and above the several Sums of Money heretofore raised or authorized to be raised by Calls or otherwise; and the said Company or their Committee, after an Order of any General Meeting, are hereby empowered to assign and make over the Property in the said Undertaking, and the Rates or Tolls to arise therefrom by virtue of the said several recited Acts and this Act, or any Part of such Rates or Tolls respectively, or to give Bonds or grant Annuities, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest on the same at the Rate to be agreed upon, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, in like Manner and Form (*mutatis mutandis*), and with and subject to the like Powers and Directions for transferring any such Security and registering the same, and to the like Remedies, Regulations, and Provisions, Powers and Privileges, touching and concerning the same and the Interest thereby to be secured, as are mentioned or contained in or by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth respecting the Money thereby authorized to be raised, and the Securities to be made for the same; and all and every Person or Persons to whom any Security or Securities shall be made or granted under the said recited Acts or any of them, and also all and every Person or Persons to whom any Security or Securities shall be made or granted under this Act, shall be equally entitled one with another to the Rates or Tolls and Property assigned or to be assigned, in proportion to the Sum or Sums of Money for which such Security or Securities shall have been or shall be executed, without any Preference by reason of Priority of Date of any such Security or otherwise howsoever. Power to raise £60,000.

IX. And be it further enacted, That when and so often as the said Company shall be required or shall be desirous to pay off or shall pay off all or any Part of the Monies borrowed or to be borrowed under the Powers of the said recited Acts or any or either of them, or of this Act, it shall be lawful for the said Company and they are hereby empowered again to raise, in lieu of the 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, or any Part or Parts thereof, from such Person or Persons, Body or Bodies, as may be willing to lend the same, on Security of the said Undertaking or the Rates or Tolls thereof, or upon such other Security as in the said recited Acts or any of them or in this Act is mentioned, and at such Rate or Rates of legal In case Securities are paid off Company may raise the Amount again.

Interest as the said Company may deem expedient, 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 at any One Time more than the several Sums by the said several recited Acts and by this Act authorized to be borrowed.

Power to create new Shares for the Purposes of this Act, and for paying off Debts.

X. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by any Order or Orders of any Special General Meeting of the said Company to be from Time to Time held for that Purpose, to raise from Time to Time, by Contribution amongst themselves or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means (and in such Proportions, Manner, and Form as they shall determine), not only the Whole or any Part of the Money by this Act authorized to be borrowed, but also a further or additional Sum or Sums of Money, to enable the said Company to pay off and discharge the several Sums of Money already borrowed by the said Company under the Powers of the said several recited Acts or any or either of them, or any Part or Parts of such Monies, not exceeding in the whole the Amount which shall at such Time or Times remain unpaid of the several Sums so borrowed or to be borrowed as aforesaid; and as to such new Shares the same Rules as to voting shall apply as by the said recited Act of the Second Year of the Reign of His said present Majesty are enacted as regards the new Shares thereby authorized to be created; and it shall be lawful for the said Company or for the Directors thereof, and they are hereby empowered, to sell and dispose of such Share or Shares as shall not be disposed of in manner aforesaid unto such Body or Bodies Politic, Corporate, or Collegiate, and other Person or Persons as may be willing to become and shall become Subscribers to and Proprietors of the same, for such Sum or Sums of Money as the said Company or Directors may from Time to Time think proper.

New Shares to be Personal Estate.

XI. And be it further enacted, That all and every new Share or Shares to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferrable as such; and all and every Body and Bodies Politic, Corporate, and Collegiate, and other Person and Persons, who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Body and Bodies, Person and Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking to the Value and Amount of such Shares so by them possessed, as beneficially as the Proprietors of any other Shares in the said Undertaking, but in the Proportion, nevertheless, which the Value and Amount of such Shares respectively so to be created as aforesaid may have or bear to the Value and Amount of the other Shares respectively by the said several recited Acts authorized to be created, and under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said several recited Acts (so far as the same are not altered or varied) and in this Act relating to any other Shares in the said Undertaking, and so far as the same will apply; and all such Body and Bodies, Person and Persons aforesaid, shall be and are hereby declared to be thenceforth united to and incorporated with the said Company.

XII. And

XII. And whereas the *Kenyon and Leigh Junction Railway*, constructed under the Authority of an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, unites with the said *Bolton and Leigh Railway* at *Leigh* aforesaid, and with the *Liverpool and Manchester Railway* at *Kenyon*, and forms the only Railway Communication between the said *Bolton and Leigh Railway* and the said *Liverpool and Manchester Railway*, and it is expedient that the said *Bolton and Leigh Railway Company* should be authorized to agree with the said *Kenyon and Leigh Junction Railway Company* in manner in this Act authorized; be it therefore enacted, That it shall be lawful for the said *Bolton and Leigh Railway Company* (at any General Meeting of the said Company to be convened by public Advertisement), by Writing under their Common Seal, to agree with the said *Kenyon and Leigh Junction Railway Company* for a Lease of and to take to farm, and for the said *Kenyon and Leigh Junction Railway Company* (at any General Meeting of the said Company to be convened by public Advertisement), by Writing under their Common Seal, to lease and let to farm to the said *Bolton and Leigh Railway Company*, the several Rates or Tolls made payable by the said recited Act relating to the said *Kenyon and Leigh Junction Railway*, or any Part of such Rates or Tolls, upon the Whole or any Part of the said Railway, for any Term or Terms not exceeding Twenty-five Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after the same shall be granted; and every such Lease shall be valid and effectual; and the said *Bolton and Leigh Railway Company*, and such Persons as they shall from Time to Time appoint to collect and receive the said Rates or Tolls, shall during the Continuance of any such Lease be deemed Collectors of the Rates or Tolls so let, for the proper Use of the Lessees, and shall have the same Power and Authority for receiving, collecting, and recovering the same as if they had been appointed for that Purpose by the said *Kenyon and Leigh Junction Railway Company*; and any such Lease may contain such Covenants and Stipulations as the Parties may agree upon: Provided nevertheless, that public Notice by Advertisement in some Newspaper printed or circulated in the County Palatine of *Lancaster* shall be given by the Clerk of the said *Bolton and Leigh Railway Company*, and by the Clerk of the said *Kenyon and Leigh Junction Railway Company*, of every General Meeting at which it shall be intended or proposed to grant or accept (as the Case may be) such Rates or Tolls to farm, and which Notice shall state the Object of such General Meeting, at least Seven Days prior to the Day on which such General Meeting shall be held.

Authorizing an Arrangement with the *Kenyon and Leigh Junction Railway Company*.

XIII. And be it further enacted, That it shall be lawful for the said *Kenyon and Leigh Junction and Railway Company*, at any Time during the Currency or after the Expiration of the said Lease, if and when thereunto required by the said *Bolton and Leigh Railway Company*, to sell to the said *Bolton and Leigh Railway Company*, and for the latter Company to buy, the said *Kenyon and Leigh Junction Railway*, and the Works, Matters, and Things connected therewith, upon such Terms, and upon such Conditions as to the Mode and Time of Payment, and other Matters, as may be mutually agreed upon; and such Sale and Purchase shall be carried into effect by a Contract or Conveyance in Writing under the respective Seals of the said Two Companies.

Company may purchase the *Kenyon and Leigh Railway*.

XIV. And

On Execution of Contract the Kenyon and Leigh Railway Act to be void, except, &c.

XIV. And be it further enacted, That upon and from the Execution of any such Contract or Conveyance the said *Kenyon* and *Leigh* Junction Railway Act shall be and the same is hereby declared to be null and void, save as regards the Provisions in the said Act contained relating to the *Liverpool* and *Manchester* Railway and to the *Leeds* and *Liverpool* Canal.

Actions, &c. against the Kenyon and Leigh Company not to be abated.

XV. Provided always, and it is hereby further enacted, That nothing herein contained or done in pursuance hereof shall abate any Action or Suit by or against the said *Kenyon* and *Leigh* Junction Railway Company, or extend to revive or continue any Right of Action which by virtue of the said *Kenyon* and *Leigh* Junction Railway Act should be brought within a limited Time, or prevent the suing for or recovering any Penalty incurred for any Offence against the Provisions of such Act, or prevent, defeat, or abate any Prosecution for any such Offence, but all Penalties which may have been incurred and all Offences which may have been committed before that Date may be sued for and prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

After Execution of Contract, Kenyon and Leigh Company to be incorporated with Bolton and Leigh Company;

XVI. And be it further enacted, That from and after the Execution of any such Contract or Conveyance the said Undertaking of the *Kenyon* and *Leigh* Junction Railway Company shall be incorporated with and form Part of the Undertaking of the *Bolton* and *Leigh* Railway Company, and that all the Works of the *Kenyon* and *Leigh* Junction Railway Company, and all their Lands, Tenements, and Hereditaments, Shares, Profits, Monies, Goods, Rights, and Credits, and all and every the Real and Personal Estate and Effects of such last-mentioned Company, shall be vested in the *Bolton* and *Leigh* Railway Company, and may be held and recovered by the *Bolton* and *Leigh* Railway Company in the same Manner and by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties and Forfeitures in regard thereto respectively, as in the several Acts for the Time being relating to the said *Bolton* and *Leigh* Railway is and are enacted with reference to the *Bolton* and *Leigh* Railway Company, or their Railway, Works, or Property.

and the Bolton and Leigh Acts to extend to Kenyon and Leigh Railway.

XVII. And be it further enacted, That from and after the Execution of any such Contract or Conveyance the several Acts for the Time being and from Time to Time relating to the said *Bolton* and *Leigh* Railway shall, save as herein-after mentioned, extend to and comprehend, and be taken to extend to and comprehend, the *Kenyon* and *Leigh* Junction Railway, as fully to all Intents and Purposes as if the same Railway had been expressly mentioned therein as Part and Parcel of the said Undertaking of the *Bolton* and *Leigh* Railway Company; and that all the Directors, Officers, Servants, Orders, Rules, Regulations, Matters, and Things for the Time being appointed, chosen, employed, made, or done for or in respect of the *Bolton* and *Leigh* Railway shall equally extend to and comprehend, and be taken to extend to and comprehend, the *Kenyon* and *Leigh* Junction Railway.

Rates, &c. authorized by Kenyon and Leigh

XVIII. Provided always, and be it further enacted, That so far as regards the Line of the said *Kenyon* and *Leigh* Junction Railway it shall be lawful for the said *Bolton* and *Leigh* Railway Company, notwithstanding any

any thing in this Act contained or any thing done in pursuance hereof, to continue (after their Acquisition of the said *Kenyon* and *Leigh* Junction Railway) to ask, demand, recover, and receive such and the same Rates, Tolls, and Sums of Money as by the said *Kenyon* and *Leigh* Junction Railway Act the *Kenyon* and *Leigh* Junction Railway Company are now authorized to ask, demand, recover, and receive in respect of their said Railway.

Acts still to be charged.

XIX. And be it further enacted, That from and after the Execution of any such Contract or Conveyance all the Debts and Demands due from or by the *Kenyon* and *Leigh* Junction Railway Company shall be due and payable from and by and shall be as valid and effectual against the *Bolton* and *Leigh* Railway Company as if the last-mentioned Company had been originally liable for the same instead of the *Kenyon* and *Leigh* Junction Railway Company; and that all Purchases, Sales, Conveyances, Mortgages, Bonds, Securities, Grants, Leases, and Agreements of or relating to the Premises, made or entered into before the Execution of any such Contract or Conveyance to, with, by, or in reference to the *Kenyon* and *Leigh* Junction Railway Company, shall be as valid and effectual for or against or in reference to the *Bolton* and *Leigh* Railway Company as if the last-mentioned Company had been Party to the same, or named or referred to therein, instead of the *Kenyon* and *Leigh* Junction Railway Company.

After Execution of the Contract, Debts due by *Kenyon* and *Leigh* Company to be valid as against the *Bolton* and *Leigh* Company.

XX. And be it further enacted, That it shall be lawful for the said *Bolton* and *Leigh* Railway Company to use and employ locomotive and other Engines or other moving Power, and in Carriages and Waggons drawn or propelled thereby to carry and convey, as well upon and along their own Railway as upon and along any other Railway or Railways, all such Passengers, Cattle, Goods, Wares, and Merchandize, Matters and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Carriage or Conveyance (not exceeding the Amounts specified in the said recited Acts) as they may determine on; and the said Company shall and may have and exercise all the same Rights and Remedies for Recovery as well of the Charges by the said recited Acts as of the Charges by this Act authorized to be taken for such Carriage or Conveyance as are given to them by the said recited Acts in reference to the Rates and Tolls thereby made payable, or the said Company may, at their Option, sue for and recover such Charges or any Part thereof in any Court of Law or Equity: Provided always, that the Provision last aforesaid shall not extend to take away or interfere with the Rights of the Proprietors of any other Railway upon which the said *Bolton* and *Leigh* Railway Company may carry by virtue hereof.

Extending the Company's Powers of carrying.

XXI. And be it further enacted, That the Period or several Periods by the said recited Acts or any of them limited for the taking of Lands and Completion of Works shall be and the same are hereby extended and enlarged for the Term of Two Years, to be computed from the Time of the passing of this Act.

Time enlarged for taking Lands and completing the Works.

XXII. And be it further enacted, That in case of any Suit, Dispute, Question, or Litigation in anywise relating to the said Company or to the said Railway, no Person acting by or under the Authority or in the

Shareholders, &c. not incompetent Witnesses.

Service of the said Company shall for that Reason alone, nor shall any Person by reason only of his being a Shareholder or Mortgagee, be in any Manner disqualified or incapacitated from giving Evidence in, upon, or touching such Suit, Dispute, or Litigation.

Repealing Clause in first-recited Act requiring Gates to be shut and fastened after Waggons shall have passed through them.

XXIII. And whereas it is by the said first-recited Act enacted, that all and every Person and Persons opening any Gate set up across the said Railways or Tramroads shall, and he, she, and they is and are thereby directed and required, as soon as he, she, or they, or the Waggon or other Carriage, shall have passed through the same, to shut and fasten the said Gate, and every Person neglecting to do so shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned, and the Money arising from such Forfeiture or Forfeitures shall be applied in manner following, (that is to say,) one Moiety or Half Part thereof to be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish where such Offence shall be committed : And whereas it is expedient that the said last-mentioned Provision should be repealed, and that other Provisions should be made in lieu thereof ; be it therefore further enacted, That the said last-mentioned Provision shall be and the same is hereby repealed.

Gates to be shut and fastened after Persons, &c. have passed through them.

XXIV. And be it further enacted, That all and every Person and Persons opening any Gate set up across or by the Side of the said Railway or Tramroad or Branches, or passing or driving Cattle or other Animals through any such Gate, shall, and he, she, and they are and is hereby required to shut and fasten such Gate immediately after having passed or driven through the same ; and every Person neglecting so to do, and also the Owner of every Horse, Cow, Sheep, or other Animal which at any Time after the passing of this Act shall be found or be straying upon any Part of the said Railway or Tramroad or Branches, shall forfeit and pay a Penalty not exceeding Five Pounds nor less than Forty Shillings, to be levied and recovered (with Costs) as other Penalties are by the said recited Acts appointed to be levied and recovered ; and one Half of every such Penalty shall be paid to the Informer, and the other Half to the Overseers of the Township or Place where such Offence shall be committed, for the Use of the Poor of such Township or Place.

Proof of Debts in case of Bankruptcy.

XXV. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Clerk or Treasurer of the said Company for the Time being may do all the same Acts and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Repealing Clause in first-recited Act as to Time of holding General Meeting.

XXVI. And whereas by the said first-recited Act it was provided that One General Meeting of the said Company should be holden on the First *Friday* in the Month of *June* in every Year : And whereas it is expedient that the said Provision should be altered ; be it therefore enacted, That so much of the said recited Act as directs that a General Meeting of the

said Company shall be held on the First *Friday* in the Month of *June* in every Year shall be and the same is hereby repealed.

XXVII. And be it further enacted, That from and after the passing of this Act the Annual General Meeting of the said Company shall be held in the Month of *July* in each and every Year, or within the Space of Fourteen Days next thereafter.

When said Meetings to be held.

XXVIII. Provided always, and be it further enacted, That all Communications between the said Branch Railway hereby authorized to be made and the said *Manchester, Bolton, and Bury* Railway, and all such Openings in the Ledges or Flanches of the said *Manchester, Bolton, and Bury* Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Manchester, Bolton, and Bury* Railway Company.

Making Communications with *Manchester, Bolton, and Bury* Railway.

XXIX. And be it further enacted, That at the Place where the said Branch Railway hereby authorized shall open upon or join with the said *Manchester, Bolton, and Bury* Railway a good and sufficient Gate shall be erected and kept in repair at the Expence of the said *Bolton and Leigh* Railway Company, and such Gate shall be kept constantly shut, except at such Times when Waggon, Carts, and other Carriages shall have to cross from the one Railway to the other, and then shall be opened for the Purpose only of letting the same pass, under the Penalty of Five Shillings for every such Offence.

Gate to be erected at Crossing Place.

XXX. And be it further enacted, That no Engine, Waggon, Cart, or other Carriage shall be driven from the said Branch Railway hereby authorized to the said *Manchester, Bolton, and Bury* Railway so as to stop, obstruct, interrupt, or delay the Passage of any Engine, Waggon, Cart, or other Carriage passing along the said *Manchester, Bolton, and Bury* Railway, nor until all Engines, Waggon, Carts, and Carriages, Cattle, or other Things within Sixty Yards of the Crossing-place shall have passed, under the Penalty of a Sum not exceeding Ten Pounds for every such Offence, to be recovered from the Owner of every such Engine, Waggon, Cart, or other Carriage, and such Owner shall also be liable for any Damage, Loss, or Injury that may be done by reason of such Waggon, Cart, or other Carriage being driven in any other Manner than as herein-before directed.

Passage along the *Manchester, Bolton, and Bury* Railway not to be obstructed.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway in and by an Act passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to Bolton and to Bury to make and maintain a Railway from Manchester to Bolton and to Bury in the County Palatine of Lancaster, upon or near the Line of the said Canal Navigation, and to make and maintain a Collateral Branch to communicate therewith*; and also in and by another Act passed in the Second Year of the Reign of His said Majesty King *William*

Saving Rights of *Manchester, Bolton, and Bury* Canal Navigation.

1 & 2 W. 4. c. 60.

the

- 2 & 3 W. 4. c. 69. the Fourth, intituled *An Act to enable the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway to alter some Parts of the said Canal Navigation, to alter and amend the Line of the said Railway, to make further Collateral Branches thereto; and for amending the Powers and Provisions of the Act relating to the said Canal and Railway;* and also in and by another Act passed in the Fifth Year of the Reign of His said Majesty King *William the Fourth*, intituled *An Act to amend the Acts relating to the Manchester, Bolton, and Bury Canal Navigation and Railway, and to make a Branch Railway to Bolton;* but saving and reserving to the said Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway* all such Rights, Privileges, Powers, Authorities, and Provisions in the said several Acts respectively contained as if this Act had not passed.
- 5 & 6 W. 4. c. 30.

Saving the Rights of the Liverpool and Manchester Railway and the Leeds and Liverpool Canal Companies.

XXXII. Provided always, and be it further enacted, That nothing herein contained or authorized shall extend or be deemed or construed to extend to take away, alter, or abridge any of the Rights, Privileges, Powers, or Authorities which the *Liverpool and Manchester Railway Company* or the *Leeds and Liverpool Canal Company* respectively have or are entitled to under or by virtue of the said several Acts relating to the *Bolton and Leigh, Kenyon and Leigh Junction Railways*, or either of them respectively.

Saving Rights of William Hulton, Esq.

XXXIII. And be it further enacted, That *William Hulton of Hulton Park* in the County of *Lancaster*, Esquire, his Heirs and Assigns, shall have and be entitled to such and the same Rights, Privileges, Powers, and Authorities in respect of and with regard to the Branch Railway by this Act authorized as are reserved and given to him and them by the said recited Acts or any of them in respect of and with regard to the said Main Line of Railway.

Directions for carrying the Railway across a Street belonging to the Earl of Bradford in Bolton.

XXXIV. And whereas the said Railway is intended to cross a certain Street belonging to the Earl of *Bradford* and the Executors of the late *Thomas Fogg*, situate in the Township of *Bolton* aforesaid, below the Level of the said Street; be it therefore enacted, That the said Railway shall not be more than Three Feet below the present Surface of the Ground of the said Street, and that the said Street shall be formed on the North of the said Railway so as to be of an uniform Inclination between the said Railway and *Bridgeman Street*, and so as that the Inclination of the said new Street shall not be greater on the South of the said Railway than it shall be between the said Railway and *Bridgeman Street*, and that the said Company shall, at their own Expence, remake, form, and fence such intended Street where the same shall be altered or affected by the said intended Railway.

Directions for carrying the Branch Railway across Orlando Street in Great Bolton.

XXXV. And whereas the said Branch Railway hereby authorized to be made is intended to cross a certain Street in the Township of *Great Bolton* called *Orlando Street*; be it therefore enacted, That if the said Railway shall be made across the said Street the same shall cross underneath the said Street; and the said *Bolton and Leigh Railway Company* shall, at their own Expence, erect, build, and construct, and for ever maintain in good and perfect Repair, a good, firm, and substantial Bridge of Brick, Stone, or Iron, and the Road over the same, for the Purpose of carrying such

such Street over the said Railway, and shall form proper and convenient Approaches thereto, the said Bridge being only so high as is necessary, and being built and formed as nearly in the Direction of the said Street as possible, and so as to have a clear Road of Thirty Feet wide at the least between the Battlements, and that the Battlements thereof shall not be less than Six Feet in Height above the Road, and shall be closed, and shall extend not less than Six Feet in Length beyond the Line of the Face of each Abutment of such Bridge; and the Approach to such Bridge shall not be less than Forty-eight Feet in Width; and the Ascent of such Bridge and the Approach thereto on the West Side thereof shall not rise more than One Inch in every Thirty-six Inches; and that the said *Bolton and Leigh* Railway Company shall, at their own Expence, remake, form, and fence the said Street to the Satisfaction of the Surveyor for the Time being of the said Earl, where and when the same shall be altered or affected by the said Branch Railway; and that the Approach to the said Bridge on the East Side, between the said Bridge and that directed to be built by the said Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway, as aforesaid, shall be made under the Direction and to the Satisfaction of the Surveyor for the Time being of the said Earl of *Bradford*, his Heirs or Assigns.

XXXVI. And be it further enacted, That in case the said *Bolton and Leigh* Railway Company (having made the said Branch Railway) shall fail or neglect to erect, build, or maintain in repair the said Bridge over *Orlando Street*, or the Battlements thereof, or to make the said Approaches thereto, or to do other the Works hereby directed to be done by them on the Property of the said Earl of *Bradford*, after Thirty Days Notice thereof given by the said Earl of *Bradford*, his Heirs or Assigns, or his or their Agent, or any Person authorized in that Behalf, to the said Company of Proprietors, or to their Clerk or Treasurer for the Time being, then and in every such Case the said Earl, his Heirs and Assigns, shall and may, if he or they see fit, from Time to Time erect, build, and maintain in repair the said Bridge and Battlements, or any of them, and make and do the said Approaches and Works, or any of them, as aforesaid, as the Case may require; and all the Costs, Charges, and Expences of erecting, building, making, constructing, completing, and maintaining in repair, from Time to Time, such Bridge, Battlements, and Approaches and Works as aforesaid, shall be borne by the said Company of Proprietors, and by them paid to the said Earl, his Heirs or Assigns, on Demand made thereof by the said Earl, his Heirs or Assigns, or his or their Agent, or any Person or Persons authorized in that Behalf, from the said Company; and in default of Payment thereof for the Space of Twenty-eight Days next after such Demand the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said *Bolton and Leigh* Railway Company, together with the Costs and Charges of or relating to the hearing of the Complaints and of such Distress and Sale, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Lancaster*, which Warrant such Justices are hereby empowered to grant; or the same shall and may be recovered from the said *Bolton and Leigh* Railway Company by the said Earl, his Heirs or Assigns, with full Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lancaster*; and the Amount of the Costs, Charges, and Expences

In case Company neglect to comply therewith, the Earl of *Bradford* to perform the Works at their Expence.

Company not to use more of the Land of the Earl of Bradford than actually necessary.

to be incurred by the said Earl, his Heirs and Assigns, as aforesaid, shall and may from Time to Time, on the Application either of the said Earl, his Heirs and Assigns, or of the said *Bolton* and *Leigh* Railway Company, be ascertained and settled by any Two of such Justices as aforesaid; and the Signatures of such Justices to the Amount so by them ascertained and settled as aforesaid shall be conclusive Evidence of such Amount in any Counter Courts whatsoever: Provided always, that nothing herein contained shall authorize or empower the said *Bolton* and *Leigh* Railway Company to take any Land or Hereditaments of or belonging to the said Earl of *Bradford*, except such as shall be wanted for the actual Site of the said Railway, and that his Heirs and Assigns, and their Tenants or Occupiers of his or their Lands or Hereditaments adjoining or near to the said intended Railway, at all Times hereafter have and be entitled to free Access to the said Railway at all Points, so as to use and enjoy the same.

Company not to be entitled to Mines under Lands purchased by them, unless specially agreed on.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals under any Lands, Tenements, or Hereditaments purchased by the said Company of the said Earl of *Bradford*, his Heirs or Assigns, under the Provisions of this Act, but all such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals shall be deemed to be excepted out of the Purchase and Conveyance of such Lands, Tenements, and Hereditaments, and may be worked by the said Earl of *Bradford*, his Heirs or Assigns, or the Lessees thereof, under the said Lands, Tenements, or Hereditaments, or the Railway or other Works of the said Company, as if this Act had not been passed: Provided that the said Earl of *Bradford*, his Heirs or Assigns, shall make good any Damage which shall be done by the working of such Mines and Minerals to the Bridge to be built by the said Company, as herein-after mentioned, for carrying the said Railway over *Orlando Street* in the Township of *Great Bolton*; and provided that in the working of such Mines or Minerals no Damage be wilfully done to the said Railway or Works, and that the said Mines and Minerals be not worked in an improper Manner.

Expences of Act.

XXVIII. And be it further enacted, That the said *Bolton* and *Leigh* Railway Company shall bear, pay, and discharge, in preference to any other Payments whatsoever, all the Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences incident or relating thereto, and also the Expences of and attending the Sale and Purchase of the said *Kenyon* and *Leigh* Junction Railway, if and when the same shall be carried into effect.

Public Act.

XXXIX. 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.

SCHEDULE referred to in the foregoing Act:

Township of Great Bolton and Parish of Bolton-le-Moors.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
The Lecturer of Bolton -	Bolton and Leigh Rail- way Company.	Bolton and Leigh Rail- way Company.	Bolton and Leigh Rail- way.
Ditto - - -	Simeon Hume - -	Simeon Hume - -	Garden.
Ditto - - -	William Hulton - -	Benjamin Hick - -	Meadow.
Ditto - - -	Ditto - - -	William Hulton - -	Land.
Ditto - - -	Benjamin Hick - -	Benjamin Hick - -	Branch Railway.
Ditto - - -	Ditto - - -	Ditto - - -	Meadow.
Ditto - - -	Ditto - - -	George Watts - -	Garden.
Commissioners of Streets	- - - -	- - - -	Bridgeman Street.
The Representatives of the late John Woods.	- - - -	The Representatives of the late John Woods.	Land.
Ditto - - -	- - - -	Samuel Kaye - -	Garden.
The Representatives of the late Thomas Fogg.	Thomas Marsden - -	Thomas Marsden - -	Building Ground.
Ditto - - -	Mary Booth - -	Robert Marginson - -	Garden.
Ditto - - -	Joshua Taylor - -	John Howson - -	Ditto.
Ditto - - -	- - - -	- - - -	Intended Street.
Ditto - - -	- - - -	William Barrett - -	Pasture Land.
Ditto and the Earl of Bradford.	- - - -	- - - -	Intended Street.
The Earl of Bradford -	- - - -	Ditto - - -	Pasture Land.
Ditto - - -	- - - -	William Horrocks - -	Ditto.
Ditto - - -	- - - -	George Figgott - -	Ditto.
Ditto - - -	- - - -	Ditto - - -	Intended Street.
Ditto - - -	- - - -	Thomas Chantler - -	Pasture Land.
Ditto - - -	- - - -	Ditto - - -	Ditto.
Ditto - - -	- - - -	George Piggot - -	Ditto.
Ditto - - -	- - - -	- - - -	Orlando Street.
Ditto - - -	- - - -	Ditto - - -	Pasture Land.
Mary Ann Rowbottom, Robert Rowbottom, Lever Rowbottom.	- - - -	George Charnley - -	Pasture Land.
The Earl of Bradford -	- - - -	George Piggot - -	Pasture Land.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.

