ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxiv.

An Act for enabling the *Blackburn, Darwen, and Bolton* Railway Company to make certain Alterations in the Line of their Railway in the Parishes of *Blackburn* and *Bolton-in-the-Moors*, and for amending the Acts relating thereto.

[9th *July* 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Blackburn *to* Bolton *in the County of* Lancaster, *to be called "The* Blackburn, Darwen, and Bolton *Railway:"* And whereas an Act was passed in the last Session of Parliament, intituled *An Act to enable the* Blackburn, Darwen, and Bolton *Railway Company to alter the Line of Part of their Railway:* And whereas it would be attended with local and public Advantage if the said *Blackburn, Darwen, and Bolton* Railway Company were empowered to make the Alterations or Diversions herein-after mentioned in the Line of their Railway as authorized by the said recited Acts: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please

8 & 9 Vict. c. 44.

9 & 10 Vict. c. 310.

please Your Majesty that it may be enacted; and be it enacted by the Queen'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 all the Powers and Provisions contained in the said recited Acts, and in the Acts incorporated with the same, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said recited Acts and this Act shall be construed and read together as forming One Act.

Provisions of recited Acts extended to this Act.

II. And whereas Plans and Sections showing the proposed Alterations or Diversions in the Line and Levels of the said *Blackburn, Darwen, and Bolton* Railway, together with a Book of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Lancaster;* be it enacted, That, subject to the Powers of Deviation contained in the "Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company to make and maintain the said Alterations or Diversions herein-after mentioned in the Line of the said *Blackburn, Darwen, and Bolton* Railway, as authorized by the said recited Acts, and as delineated on the Plans therein referred to, with all proper Works and Conveniences connected therewith, in the Line or Course and upon the Lands delineated on the said first-mentioned Plans, and referred to in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be required for such Purposes.

Power to make Alterations in Line of Railway.

III. And be it enacted, That the Alterations or Diversions in the Line of the said *Blackburn, Darwen, and Bolton* Railway, as authorized by the said recited Acts, shall be the following; (that is to say,) an Alteration or Diversion commencing from and out of the Main Line of the said *Blackburn, Darwen, and Bolton* Railway, at or near a Field numbered 302 in the Township of *Over Darwen* in the Parish of *Blackburn*, on the Plan of the said Railway referred to in the said first-mentioned Act, and terminating by a Junction with the said Main Line at or near a Field numbered 43 on the said Plan, in the Township of *Entwisle* and Parish of *Bolton-in-the-Moors*, which said Alteration or Diversions and the Works connected therewith will pass from, in, through, or into, or be situate within, the several Parishes, Townships, and extra-parochial or other Places following, or some of them; (that is to say,) *Blackburn, Over Darwen, Entwisle*, and *Bolton-in-the-Moors*, all in the said County of *Lancaster;* an Alteration or Diversion commencing from and out of the Main Line of the said Railway, at or near a Field numbered 280 on the said Plan of the said Railway in the Township of *Tonge with Haulgh* in the said Parish of *Bolton-in-the-Moors*, and terminating by a Junction with the said Main Line at or near a Coal-yard numbered 55 on the Plan of the

Line or Course of Alterations.

the said Railway referred to in the *Blackburn, Darwen, and Bolton* Railway Act, 1846, in the said Parish of *Bolton-in-the-Moors*, which said last-mentioned intended Alteration or Diversion and the Works connected therewith will pass from, in, through, or into, or be situate within the several Parishes, Townships, and extra-parochial or other Places following, or some of them; (that is to say,) *Tonge with Haulgh*, *Little Bolton*, *Great Bolton*, and *Bolton-in-the-Moors*, all in the County of *Lancaster*.

Company to abandon Portion of Line of Railway.

IV. And be it enacted, That the said Company shall and they are hereby required to abandon so much of the Main Line of their Railway as authorized by the said recited Acts as by reason of the Alterations or Diversions by this Act authorized will become unnecessary, and from and after the passing of this Act all the Powers and Authorities vested in the Company by the said recited Acts or either of them for making and maintaining such Portions of the said Railway shall cease and determine.

Land for extraordinary Purposes.

V. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Ten Acres, in addition to the Lands which are authorized by the said recited Acts to be taken for such Purposes.

Limiting Period for compulsory Purchase of Lands.

VI. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

VII. And be it enacted, That the said Railway and Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said former Acts granted to the said Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Company to replace Gas-pipes removed by them, and to construct and maintain Tar-wells.

VIII. And be it enacted, That where any Main or Pipe of the *Bolton* Gaslight and Coke Company shall be removed or displaced by the Company, and carried over the Railway, and shall be laid upon any Bridge or Arch of the Company or the Approaches thereof, then and in every such Case the Company shall for the Purpose of such Main or Pipe at their own Expence construct and maintain a good and sufficient Culvert, not less than Two Feet Nine Inches wide and Eighteen Inches deep; and where any Street or Road in which there is any Main or Pipe of the said *Bolton* Gaslight and Coke Company shall be raised for the Purposes of the Railway, then and in every such case the Company shall at their own Expence, and to the Satisfaction of the Manager of the said Gaslight and Coke Company, take up and relay such Main and Pipe to the Extent that such Street or Road shall be raised, and so that the Covering over such Main and Pipe shall not be more than Thirty-six Inches from the Surface of the Road over the same; and the Company shall at their own Expence construct and maintain a proper and sufficient Tar-well or Depository in every Situation where, in consequence of any such Bridge or Arch, or the Approaches thereto, or the raising, sinking, or altering of any

Street

Street or Road for the Purpose of the Railway, a Tar-well or Depository shall be deemed necessary by the Manager of the said Gaslight and Coke Company.

Works not to be made within Prescribed Distance of Gasworks.

IX. And be it enacted, That in forming the said Railway it shall not be lawful for the Company, without the Consent in Writing of the *Bolton* Gaslight and Coke Company, to approach the Line thereof, or make or construct any of the Works thereof nearer in any Place to the Gas Tank and Wells thereof situate in *Haulgh*, and belonging to the said Gaslight and Coke Company, than hereinafter mentioned; (that is to say,) not nearer to the said Tank at any Place than Three Yards from the inside Face of the Brickwork of such Tank, and not nearer at any Place to the said Wells, or either of them, than Twelve Inches from any Part of the Brickwork of such Wells respectively; and that, except those Parts of the Lands of the said Gaslight and Coke Company (numbered 115 on the Parliamentary Plan of the Railway) upon which (subject as aforesaid) Part of the Line of the Railway shall be made, it shall not be lawful for the Company, or any Person in execution of this Act, to enter upon, take, or use, either permanently or temporarily, any other Part of the Lands or Property of the said Gaslight and Coke Company in *Haulgh* aforesaid.

Company to make good any Damage done to the Gasworks.

X. And be it enacted, That the Company shall not cause or permit any Damage, Injury, or Prejudice whatsoever to the said Gas Tank or Wells of the said Gaslight and Coke Company, and shall use all proper and requisite Care and Precautions to avoid and prevent the same; and if any such Damage, Injury, or Prejudice shall be caused or shall happen, then the same shall and may from Time to Time be made good and remedied by or under the Direction of the said Gaslight and Coke Company, at the Expence, Costs, and Charges of the Railway Company; and if, in consequence of any Damage or Injury whatsoever done, caused, or happening from whatever Cause by the Works of the Railway, or in the Construction thereof, to the said Gas Tank or Wells of the said Gaslight and Coke Company, there shall be any Escape, Waste, or Loss of Gas or Water, or any Interruption in the Supply of Gas to any Person, and the said last-mentioned Company shall thereby suffer, sustain, or be put to any Loss, Damages, Costs, or Charges whatsoever, whether immediate or consequential, the same shall from Time to Time be borne and paid by the Company; and all such Expences, Costs, Charges, Loss, and Damages as aforesaid shall and may from Time to Time be recovered by the said Gaslight and Coke Company from the Company, with full Costs of Suit, by Action of Debt in any of Her Majesty's Superior Courts.

The Company formed by the Amalgamation of certain Companies to be called the Bolton, Blackburn, Clitheroe,

XI. And whereas under the Provisions of the *Blackburn, Clitheroe, and North-western Junction* Railway Act, 1846, the said *Blackburn, Darwen, and Bolton* Railway Company and the *Blackburn, Clitheroe, and North-western Junction* Railway Company were authorized to amalgamate into One Company, upon such Terms as should be mutually agreed upon; and in pursuance of such Power special Meetings of the said Two Companies respectively have been held, at which it has been resolved and determined that the said respective

and West Yorkshire Railway Company.

Companies shall be amalgamated and consolidated into One Company; and it is expedient that further Provisions should be made for more completely carrying such Amalgamation into effect; be it enacted, That from and after the passing of this Act the said *Blackburn, Darwen, and Bolton* Railway Company and the said *Blackburn, Clitheroe, and North-western Junction* Railway Company shall cease to be called by those Names respectively, and in place and stead thereof the Company formed by the Amalgamation and Consolidation of the said Two Companies shall be called by the Name of the "*Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company," and the several Persons and Corporations who at the Time of the passing of this Act may be Proprietors of Shares of and in the said Companies respectively shall be One Body Politic and Corporate, by the Name and Style of the "*Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company;" and the whole Railways authorized to be constructed by the Acts relating to the said Companies respectively, already passed or to be passed in the present Session of Parliament, or either of them, and which shall belong to the said Companies respectively, or either of them, shall be called by the Name of the "*Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway."

Vesting certain Railways, &c. in the Bolton, Blackburn, Clitheroe, and West Yorkshire Railway Company.

XII. And be it enacted, That from and after the passing of this Act all the Railways, Works, Lands, Tenements, and Hereditaments, and all Chattels, Monies, and other Property and Effects, of, belonging, due, and owing to the said *Blackburn, Darwen, and Bolton* Railway Company, or to the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, and all the Rights, Privileges, Powers, and Authorities by the said Acts relating to those Companies respectively or either of them given, or which may by any Act which shall be passed in the present Session of Parliament be given, to or vested in the said Companies or either of them, shall (subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances affecting the same,) be and be held to be and the same are hereby vested in the said *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, and may be lawfully held, used, exercised, and enjoyed by and in the Name of such Company, in the same Manner and to the same Extent as if the respective Undertakings authorized or which may be authorized to be made or maintained by such Acts had been originally authorized to be made and maintained by them, or as if their Name had been inserted in such Acts in lieu of the Names of the respective Companies therein contained by whom such Undertakings are or may be by such Acts authorized to be carried into effect.

Conveyances and Contracts entered into by either Company to remain valid.

XIII. And be it enacted, That all Conveyances, Contracts, Agreements, Obligations, Bonds, Covenants, Liabilities, and Securities made or entered into before the passing of this Act to, with, by, or for the said *Blackburn, Darwen, and Bolton* Railway Company, or the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for or against or with reference to the said *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, to all Intents and Purposes as if the said last-mentioned Company had been Party to and had executed the same,

same, or had been named or referred to therein instead of the said *Blackburn, Darwen, and Bolton* Railway Company or the said *Blackburn, Clitheroe, and North-western Junction* Railway Company.

Acts of either Company to be binding on amalgamated Company.

XIV. And be it enacted, That all and every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, Matter, or Thing whatsoever already made, done, executed, granted, incurred, obtained, transacted, commenced, or instituted under or by virtue or in pursuance of the said Acts relating to or conferring Powers on the *Blackburn, Darwen, and Bolton* Railway Company or the said *Blackburn, Clitheroe, and North-western Junction* Railway Company shall, subject to the Provisions in this Act contained, be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatever, by, to, for, on behalf of, against or in respect of the said *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, as they respectively were immediately before the passing of this Act with reference to the said *Blackburn, Darwen, and Bolton* Railway Company and to the said *Blackburn, Clitheroe, and North-western Junction* Railway Company respectively, and shall and may (subject as aforesaid) be executed, done, performed, continued, completed, and terminated by, to, for, on behalf of, against, or with respect to the said *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, under and subject to the Provisions and Regulations of the said Acts, as fully and effectually as the same could or might have been by and in the Name of the said *Blackburn, Darwen, and Bolton* Railway Company or of the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, if this Act had not been passed.

Debts, &c. of either Company transferred to the amalgamated Company.

XV. And be it enacted, That (subject to the Provisions in this Act contained) from and after the passing of this Act all Debts then due from or to the said *Blackburn, Darwen, and Bolton* Railway Company, or from or to the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, shall be payable and paid, together with all Interest (if any) due or to accrue due thereon, by or to the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company; and all Rates, Tolls, Duties, and Monies which shall be or become, or which if this Act had not been passed would be or become, due and payable under and by virtue of any Act or Acts relating to the said *Blackburn, Darwen, and Bolton* Railway Company, or the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, or otherwise, from or to the same Companies respectively or either of them, shall be due and payable from or to the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, by the same Ways and Means, with the same Restrictions and Regulations, and with the same Penalties in regard thereto respectively, as the same would or might have been due and payable to or from, or recoverable from or by, the said *Blackburn, Darwen, and Bolton* Railway Company, or the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, in case this Act had not been passed.

Works to be completed.

XVI. Provided always, and be it enacted, That all Works which under the Provisions of any Act or Acts relating to the said *Blackburn,*

burn, Darwen, and Bolton Railway Company, or to the said *Blackburn, Clitheroe, and North-western Junction* Railway Company, the same Companies respectively or either of them are authorized or required to execute or complete, and which shall not have been executed or completed before the passing of this Act, shall, where the same are required, and may, where the same are authorized, be executed or completed (as the Case may be) by the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, and the same Company shall have full Power to pay for the same out of the Monies placed at their Disposal by this Act or otherwise, and shall have and be entitled to all such Powers for executing and completing such Works as the said Companies respectively were entitled to under the said Acts or any of them, and as fully as if the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company had been originally authorized and required to execute and complete the same Works instead of the Company actually authorized and required to execute and complete the same: Provided nevertheless, that where any particular Time is by the same Acts or any of them limited for the Execution or Completion of such Works, the same shall and may be so executed and completed within the Period so limited.

Tolls to be taken on amalgamated Line.

XVII. And be it enacted, That from and after the passing of this Act it shall not be lawful for the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company to demand and receive in respect of the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway any greater Amount of Tolls, Rates, and Charges than are prescribed to be taken by the *Blackburn, Clitheroe, and North-western Junction* Railway Act, 1846: Provided always, that, as regards Coals, Culm, Charcoal, and Cinders, it shall not be lawful for the Company to receive for the Use of the Railway any greater Sum than Three Farthings *per* Ton *per* Mile, nor, as regards the same Articles, any greater Rates of Charge, including the Tolls for the Use of the Railway, and of Waggons or Trucks and Locomotive Power, and every Expence incidental to the Conveyance thereof, except the loading and unloading thereof, than the Sum of One Penny Farthing *per* Ton *per* Mile: Provided also, that a Deduction or Abatement equal to One Eighth Part of a Penny *per* Ton *per* Mile shall be made from the last-mentioned maximum Rates of Charge for the Conveyance of Coals, Culm, Coke, Charcoal, and Cinders, and also from the maximum Rate of Charge for the Conveyance of Dung, Compost, Manure, Lime, Limestone, and undressed Materials for the Repair of public Roads or Highways, whenever the Waggons in which the same may be conveyed are not provided by the Company.

Company required to find locomotive Power.

XVIII. And be it enacted, That the Company shall and they are hereby required from Time to Time and at all Times to find and provide sufficient locomotive Power when and as the same shall be required, and as soon as an adequate and sufficient Load shall be in readiness to convey all Merchandize, Articles, empty Waggons, Matters, and Things upon and along the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway.

Deposits for future Bills not to be

XIX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act, or any other Act relating to

paid out of the Company's Capital.

to the said Railway Company, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force, or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said last Session of Parliament, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway and Works, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same are applicable.

Railways to be subject to Provisions of any future general Act.

XXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximun Rates of Fares and Charges authorized by the said recited Acts or this Act.

Expences of Act.

XXII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title.

XXIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it by the Title of "The *Blackburn, Darwen, and Bolton* Railway Acts Amendment Act, 1847."

Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.