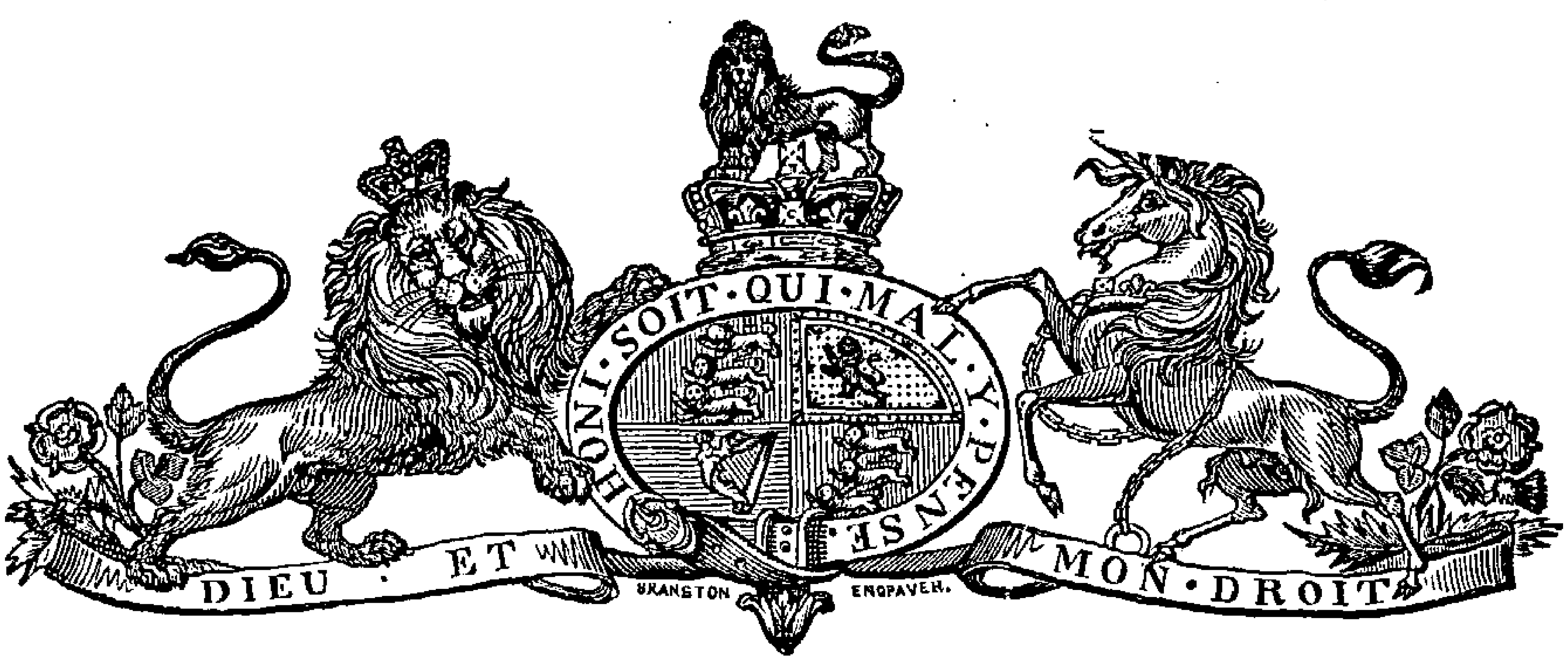



ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

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## *Cap.* XV.

## An Act to facilitate the raising of Capital for the Completion of the *Bolton and Preston* Railway.

[13th *May* 1842.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Bolton-le-Moors *to* Preston *in the County Palatine of* Lancaster: And whereas another Act was passed in the First and Second Years of the Reign of Her said Majesty, intituled *An Act for enabling the* Bolton and Preston *Railway Company to extend and alter the Line of such Railway, and to make collateral Branches thereto; and for amending and enlarging the Powers and Provisions of the Act relating thereto:* And whereas under the said first-recited Act the *Bolton and Preston* Railway Company thereby incorporated were empowered to raise by Subscription a Capital of Three hundred and eighty thousand Pounds for the Purposes of the said Undertaking, and when Half of the said Amount should have been paid up to borrow on the Credit of the said Undertaking a further Sum of One hundred and twenty-six thousand five hundred Pounds, or to raise the said additional Sum, if they should think it advisable, or any Part

7 W. 4. & 1 Vict. c. 121.

1 & 2 Vict. c. 56.

thereof, by the Creation of new Shares: And whereas the said Company have received, under the Powers of the said Act, the Sum of Two hundred and forty-four thousand one hundred and sixty-eight Pounds of the said Capital of Three hundred and eighty thousand Pounds, and have borrowed the Sum of Twenty-three thousand eight hundred and fifty-six Pounds One Shilling and Two-pence on the Credit of the said Undertaking: And whereas a considerable Portion of the said Railway has been opened to the Public, but the said Company have been unable to raise the whole of the Sum which they are authorized to raise by Subscription and by Mortgage, under the said first-recited Act, so as to enable them to complete the Remainder of the said Railway: And whereas the Public at large, as well as the Shareholders in the said Railway, are much interested in the Completion thereof, and it is expedient, therefore, that further and additional Powers should be granted to the said Company, to enable them to raise the Sum of Two hundred and thirty-eight thousand four hundred and seventy-five Pounds Eighteen Shillings and Ten-pence, being the Difference between the Sum which they are by the first-recited Act authorized to raise by Subscription and Mortgage and the Sum which they have actually so raised or received under the Powers of the said Act: May it therefore 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, Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now unrepealed, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and operate, in respect to the Purposes of this Act, as fully and effectually as though the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes.

Extending Provisions of former Acts.

Facilitating the raising of the Capital.

II. And be it enacted, That, notwithstanding any thing contained in the said recited Acts or either of them to the contrary, it shall be lawful for the said Company, at any Special General Meeting of the Proprietors of the said Undertaking, from Time to Time to raise any Sum or Sums of Money, not exceeding in the whole the said Sum of Two hundred and thirty-eight thousand four hundred and seventy-five Pounds Eighteen Shillings and Ten-pence, by the Issue of new Shares, of such nominal Value or Amount, and at such Discount or Price, and with such Preference or Priority in the Payment of Dividends over the other Shares in the said Company, and with or without Interest upon such new Shares, and with such other Advantages and in such Manner as shall be agreed on by the Votes of Three Fifths of the Proprietors who may be present, either personally or by Proxy, at any such Special General Meeting.

Present Powers of borrowing and Rights of Mortgagees not to be affected.

III. Provided always, and be it enacted, That nothing herein contained shall in any Manner prejudice or affect any of the Powers or Authorities given to or vested in the said Company by the said recited Acts or either of them, to borrow and take up at Interest, on the Credit of the said Undertaking, so much or such Part of the

said Sum of Two hundred and thirty-eight thousand four hundred and seventy-five Pounds Eighteen Shillings and Ten-pence as the said Company are by the said recited Acts or either of them authorized and empowered to borrow and take up on Mortgage of the said Undertaking, nor to prejudice, weaken, or in any Manner affect any of the Securities, Rights, Privileges, Powers, and Authorities given to or vested in any Person or Persons who now has or have lent or advanced, or who may hereafter lend or advance, any Sum or Sums of Money, in pursuance of the said Acts or either of them, upon the Credit of the said Undertaking.

As to Right of voting.

IV. And be it enacted, That no Person shall be entitled to vote as a Shareholder in the said Company in respect of a less nominal Interest than Fifty Pounds in the Capital Stock of the said Company.

Repeal of so much of first-recited Act as relates to Limitation of Actions.

V. And whereas it was by the said first-recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, should be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance thereof, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Twenty Days previous Notice in Writing should be given, by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding should be brought or commenced within Six Calendar Months next after the Act committed, or in case there should be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damage should have ceased, nor unless such Action, Suit, or Information should be laid and brought into the Court or Place where the Matter in dispute or Cause of Action should arise, and the Defendant in any such Action, Suit, Information, or other Proceeding might plead the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be in pursuance of or by the Authority of the said Act, and if they should appear to have been so done, or to have been so omitted to be done, or if it should appear that such Action, Suit, Information, or other Proceeding should have been brought otherwise than as therein directed, then and in every such Case the Jury should find for the Defendant, upon which Verdict, or if the Plaintiff should become nonsuited, or should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases: And whereas it is expedient that the said Provisions, so far as the same may confer any special Privilege or Advantage on the said Company which without such Provisions they would not enjoy, should be repealed; be it therefore enacted, That the said Provisions shall be and the same are hereby declared to be repealed: Provided always, that nothing herein contained shall extend or be held to revive

revive any Claim already barred by the Operation of the Enactment hereby repealed.

Railway to be subject to Provisions of any general Act.

VI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

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

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