ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xcix.

An Act for making and maintaining a Railway or Tramroad from *Manchester* to *Oldham*, with a Branch from *Failsworth Pole* to or near to *Dry Clough* in the Township of *Royton*, all in the County Palatine of *Lancaster*.

[26th *May* 1826.]

WHEREAS the making and maintaining of a Railway or Tramroad, commencing at or near a certain Road or Place called *Saint George's Road*, within the Township of *Manchester* in the County Palatine of *Lancaster*, and terminating at the *Manchester* and *Austerlands* Turnpike Road at *Mumps Brook* in the Township of *Oldham*; and also a Branch Railway or Tramroad, commencing at or near *Failsworth Pole* in the Township of *Failsworth*, and terminating at or near a certain Place called *Dry Clough*, in the Township of *Royton* in the Parish of *Prestwich* in the same County, will be a Work of great public Utility and Advantage, by affording a cheap and expeditious Conveyance for Coal from the Pits to the Town of *Manchester*, where large Quantities are consumed, both for domestic and commercial Purposes; and such Railway or Tramroad, when constructed, may also be made subservient to the Carriage of general Merchandize between the same Towns: And whereas the several Persons herein-after named are willing and desirous to make, establish, and maintain such Railway or Tramroad and Branch as aforesaid at their own proper Costs and Charges; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Ma-

jesty 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,

Subscribers incorporated.

and by the Authority of the same, That *James Ainsworth*, *John Allen*, *Thomas Bailey*, *John Barlow*, *John Barton*, *Richard Watson Barton*, *Thomas Barker*, *John Bentley*, *Lea Birch*, *William Bower*, *Charles Brandt*, *Edmund Buckley*, *Thomas Chapman*, *George Royle Chappell*, *Thomas Cussons*, *John Dugdale*, *Edward Evans*, *Thomas Flintoff*, *Thomas Hoyle*, *John Hulme*, *Joseph Wright Hulme*, *Joseph Jones*, *Joseph Jones* the younger, *William Jones* the younger, *Aaron Lees*, *John Lees*, *James Lees*, *Joseph Lees*, *Samuel Lomax*, *Francis Marris*, *Samuel Mathews*, *James M'Connell*, *Philip Novelli*, *Thomas Samuel Rawson*, *George Scholes*, *John Taylor*, *John Tetlow*, *Robert Turner*, *Edward Turner*, *John Vavasour* and *William Parry*, *Thomas Watkins*, *James Wright Wilde*, *James Wood*, and *James Hardy Wrigley*, 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 or Tramroad and Branch, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united and incorporated in a Company for making and maintaining the said Railway or Tramroad and Branch, and the Works incident thereto and to be connected therewith, according and subject to the Rules, Restrictions, and Regulations herein-after mentioned and provided, and for that Purpose shall be One Body Corporate, and be known

Their Style.

as such by the Name and Style of "The *Manchester* and *Oldham* 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 Power and Authority from Time to Time and 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 the Railway and Branch.

II. And be it further enacted, That the said Company shall be and hereby are empowered, by themselves, their Deputies, Agents, Officers, Engineers, Artificers, Servants, and Workmen, to make, complete, and maintain a Railway or Tramroad and Branch, with proper Works and Conveniences adjoining thereto or connected therewith, to be called "The *Manchester* and *Oldham* Railway," for the Passage of Waggons and other Carriages to be drawn, propelled, or moved thereon by stationary and locomotive Steam Engines, or other adequate Power, in the Discretion of the said Company, commencing from or near to a certain Road or Place called *Saint George's Road*, within the Township of *Manchester*, and extending to or passing through the several Townships, Hamlets, or Places of *Manchester*, *Newton*, *Moston*, and *Failsworth*, in the Parish of *Manchester*, and of *Oldham* in the Parish of *Prestwich* otherwise *Prestwich-cum-Oldham*, and of *Woodpark* and Division of *Knott Lanes* in the Parish of *Ashton-under-Lyne*, all in the said County Palatine of *Lancaster*, and terminating at the *Manchester* and *Austerlands* Turnpike Road at *Mumps Brook* in the said Township of *Oldham* aforesaid, and to make, complete, and maintain a Branch out of or from the said Railway or Tramroad, commencing at or near to *Failsworth Pole* in the said Township of *Failsworth*, and extending

or passing through the Townships, Hamlets, or Places of *Failsworth* aforesaid, and of *Chadderton*, *Royton*, and *Oldham*, in the said Parish of *Prestwich* otherwise *Prestwich-cum-Oldham*, and terminating at or near a certain Place called *Dry Clough* in the said Township of *Royton* in the Parish of *Prestwich* aforesaid, all in the said County Palatine of *Lancaster*; and also to make and maintain all such Inclined Planes on such Parts of the said Railway or Tramroad and Branch respectively as to the said Company may seem expedient, and to erect and use stationary or other Engines for the Purposes aforesaid.

Power to enter Lands;

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Officers, Engineers, Surveyors, Servants, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon any Lands and Grounds necessary for the Purposes of this Act, which shall belong to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to ascertain, set out, and appropriate such Parts thereof as to the said Company may seem necessary for making, completing, and using the said Railway or Tramroad and Branch, and the Works, Matters, and Conveniences necessary or incident thereto, and for the other Purposes of this Act; and 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 or Tramroad and Branch and other Works, out of or from the said Lands or Grounds, or any Lands or Grounds adjoining to such Railway or Tramroad and Branch, which may be proper or requisite for making, continuing, maintaining, altering, or repairing the said Railway or Tramroad and Branch or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining the same respectively; and to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or Tramroad and Branch or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Inclined Planes, deep Cuttings and Tunnels, 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, Landing Places, Weighing Machines, 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 from Time to Time to alter, repair, and amend or discontinue the same; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Railway or Tramroad and Branch 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 to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tramroad and Branch, and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggons or other Carriages passing upon the said Railway or Tramroad and Branch, with or by means of locomotive or stationary Engines or other adequate Power, or with Men or Horses or otherwise, and proper Places

to take Materials, &c. and remove Obstructions.

for

for such Engines, and for Waggons and other Carriages to turn, remain, stand, lie, or pass each other, and also Ways and Roads to communicate with the said Railway or Tramroad and Branch, and other Conveniences as the said Company shall think convenient; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, deep Cuttings, Tunnels, and other Works, in, upon, under, and across 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 or Tramroad and Branch and other Works, and to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway or Tramroad and Branch, for the Purpose of conveying Water from or to the said Railway or Tramroad and Branch, or any Part or Parts thereof; and to construct, make, and do all other Matters and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway or Tramroad and Branch, and other Works to be made or constructed in pursuance of and according to the Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Engineers, 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 vested and granted; and in case any Difference shall arise in the Computation of the Amount of such Satisfaction, the same shall be settled and determined by the Verdict of a Jury in manner herein-after mentioned; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to the Provisions and Restrictions in this Act mentioned and contained.

To erect Bridges and other Works.

Crossings.

IV. Provided always, and be it further enacted, That where the said Railway or Tramroad and Branch shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tramroad and Branch, for the Purpose of guiding the Wheels of the Carriages, shall not be above, nor shall the same deviate more than One Inch from the Level of such Road.

Steam Engines to consume their own Smoke.

V. And be it further enacted, That the Furnace of every Steam Engine to be erected, built, or used by the said Company under or by virtue of the Powers of this Act, shall be constructed on the Principle of consuming its own Smoke, according to the best and most improved Methods which may be in use.

Regulating Ascent to Bridges.

VI. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen 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.

VII. And

Plans and Books of Reference.

VII. And whereas a Map or Plan, describing the Line or Course of the said Railway or Tramroad and Branch, and the Lands and Grounds in, through, and over which the said Railway or Tramroad and Branch are 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, has been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Office of the said Clerk of the Peace, and all Persons whosoever shall at all seasonable Times have full Liberty to inspect and peruse and to make Copies or Extracts from the said Plan and Book of Reference, paying to the said Clerk for every such Inspection the Sum of One Shilling, and for Copies of 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 and elsewhere.

Not to deviate from the Plan.

VIII. And be it further enacted, That the said Company in making the said Railway or Tramroad and Branch shall not deviate more than Ten Yards from the Course or Direction delineated in such Map or Plan, in the Lands belonging to the Devisees and Trustees of the late *James Rothwell* Esquire, at *Mumps Brook* aforesaid, nor more than One hundred Yards in any other Place whatsoever.

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

IX. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tramroad and Branch and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear, to the Satisfaction of any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and be by them certified under their Hands, to be by Mistake omitted, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands or Grounds do not belong, had or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Houses and Gardens not to be used without Consent, except those specified in the Schedule.

X. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Company to take or intermeddle with (for the Purposes of this Act) any House or Building which was erected on or before the First Day of *January* now last past, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, Coppice, planted Walk, or Avenue to a House, or any Close or Inclosure planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively (other than and except such as are specified in the Schedule to this Act annexed): Provided always, 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 paid for, as herein-after mentioned, the several Houses, Buildings,

Houses, &c. to be taken within Three Years.

Buildings, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purpose only shall cease, determine, and be utterly void (save and except with the Consent in Writing of the Owners and Occupiers thereof respectively): Provided always, that none of the Lands now belonging to the Devisees of *James Rothwell* Esquire, which shall be on the Southerly Side of the Line of the said Railway in *Oldham* aforesaid, when executed, shall be taken by the said Company for the Purposes of this Act without the Consent of the Owners thereof.

Lands, &c. of J. Rothwell, Esq. not to be taken without Consent.

Breadth of Land to be taken for the Railways.

XI. And be it further enacted, That the Lands and Grounds to be taken and used for the Purposes of this Act shall not exceed Fifteen 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 deemed necessary for Waggons or other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing any Valleys or low Grounds, or in deep Cuttings, or where any fixed or permanent Steam or other Engines, Warehouses or other Buildings, Cranes, or Weighbeams, 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 said Railway or Tramroad and Branch, and not above One hundred and fifty Yards in Breadth in any Place, except at or near the Termination of the said Lines within the Townships of *Manchester* and *Oldham* respectively, and at or near the Communication between the main Line and the Branch at *Failsworth Pole*, where Places not exceeding Three Acres at each Point or Place may be taken, set out, and appropriated for Wharfs, Staiths, Warehouses, and Buildings, Yards and Conveniences, and also except on Common or Waste Lands, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad and Branch respectively.

Injury to Roads.

XII. And be it further enacted, That in all Cases, when 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, diverted, raised, sunk, appropriated, taken, or so much injured as to be impassable for Travellers, Passengers, Horses, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, and before any such Road shall be cut through, diverted, raised, sunk, appropriated, 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, diverted, raised, sunk, appropriated, 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 to be cut through, diverted, raised, sunk, or passed over shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored within Six Calendar Months after the Commencement of the Operations, and the Railway or Tramroad and

Branch, 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.

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

XIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railway or Tramroad and Branch, or any Parts 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, or Collegiate, Corporations Aggregate or Sole, and all Lords or Ladies of Manors, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Heirs, Executors, Administrators, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed, or interested in right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, not only for and on behalf of themselves and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and for all Femes Covert who are or shall be seised, possessed of, or interested in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised or possessed of, or interested in any Lands, Buildings, or Hereditaments which shall be so set out and ascertained, and required for the Purposes aforesaid, to contract for, sell, and dispose of the same and every Part thereof unto the said Company and their Successors, for a Price or Consideration in Money; and such Contracts, Conveyances, and Assurances shall be made and executed at the Expence of the said Company, and shall be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of each Case will admit; (that is to say),

Form of Conveyance.

'I of in consideration of the Sum of to me paid by the *Manchester* and *Oldham* Railway Company, do hereby grant and convey to the said Company all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company and their Successors for ever, according to the Intent and Meaning of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .'

And all such Conveyances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be a Surrender and effect a Merger of all outstanding Terms of Years, and be a complete and effectual Bar of all Estates Tail, Titles to Dower, and all collateral and other Estates, Rights, Titles, Remainders, Trusts, and Interests whatsoever.

Power to purchase the Release of

XIV. And be it further enacted, That where any of the Lands, Tenements, and Hereditaments which shall be purchased by the said Company by

Lands wanted from Rentscharged thereon.

by virtue of or for the Purposes of this Act, shall be subject or charged solely or jointly with other Lands, Tenements, or Hereditaments, which shall not be purchased or required for the Purposes or by virtue of this Act, to or with any Rent Service, Rent-charge, Chief Rent, or other Rent, or any other Payment or Incumbrance, then and in every such Case the said Company shall have Power and are hereby authorized to treat, contract, and agree for the Release, Exoneration, and Discharge of such Lands, Tenements, and Hereditaments so to be purchased as aforesaid, of or from such Rent or Incumbrance affecting the same as aforesaid, and for an Apportionment of such Rent, where the same shall be necessary, for such Consideration in Money as shall be agreed upon between the said Company and the Body or Bodies, Person or Persons, or Party or Parties, who under the Provisions of this Act shall be enabled to sell the same Rent or Incumbrance, or as shall be assessed by a Jury as herein-after mentioned, as the Case may be; and in case any Difference shall arise respecting the Apportionment of such Rent or Incumbrance, or the Money or Equivalent offered for the same by the said Company, then the Value of the same Rent or Incumbrance, and the Apportionment of the same, when necessary, shall be determined and decided by a Jury in manner herein-after mentioned, which Jury shall apportion such Rent or Incumbrance, when necessary, according to the respective Values of the Lands, Tenements, and Hereditaments so to be purchased by the said Company as aforesaid, and of the Lands, Tenements, and Hereditaments not so purchased, out of or upon which such Rent or Incumbrance shall be jointly issuing or charged; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Body or Bodies, Person or Persons, Party or Parties as aforesaid, for releasing, exonerating, and discharging the said Lands, Tenements, and Hereditaments so to be purchased as aforesaid of and from such Rent or Incumbrance affecting the same as aforesaid, shall be valid and effectual in the Law, and shall effect an Extinguishment of the whole or a proportionate Part only of such Rent or Incumbrance, as the Case may be, and shall be within and have the full Benefit of the Powers, Provisions, and Regulations of this Act: Provided always, that when the said Lands, Tenements, and Hereditaments so to be purchased by the said Company shall be so released, exonerated, and discharged of and from any such Rent or Incumbrance as aforesaid, affecting the same jointly with other Lands, Tenements, and Hereditaments, then and in such Case such last-mentioned Lands, Tenements, and Hereditaments, and the Owner and Owners thereof for the Time being, shall be subject to and charged with only a proportionate Part of such Rent or Incumbrance, and not with the whole thereof, and such Apportionment shall not in any Manner invalidate, prejudice, or destroy the Remedies for such last-mentioned proportionate Part of such Rent or Incumbrance, but the same proportionate Part of such Rent or Incumbrance, and the Powers and Remedies for Recovery thereof, and all Covenants and Provisions for the Security thereof, shall at all Times thereafter remain, continue, and be good, valid, and effectual in the Law to all Intents and Purposes, as if the same Lands, Tenements, and Hereditaments not so purchased as aforesaid had been originally subject to and charged with the same only, and not with any greater Rent or Payment: Provided also, that when a Part only of any Rent, Payment, or Incumbrance shall be released and extinguished under the Provision last herein-

before contained, it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum, to be indorsed on such Deed or Instrument, declaring what Part of the Lands, Tenements, and Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased and taken by virtue of this Act, and also what Proportion of the said Rent, Payment, or Incumbrance shall have been released and extinguished in pursuance of the same Act, and declaring the Amount of the Rent or Incumbrance to subsist and continue payable after such Purchase, Exoneration, Release, and Extinguishment, which Memorandum shall be sufficient Evidence in any Court of Law, or elsewhere, of the Facts thereby stated, but nevertheless so as not to exclude any other Evidence of the same Facts.

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

XV. 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 of Minerals or of Coals, or any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much and such Parts of such Minerals, Coals, Stone, or Slate, as shall or may be necessary to be dug or gotten and carried away or used for the making and repairing the said Railway or Tramroad and Branch; but all such Mines, Minerals, Coals, Stone, or Slate, 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 Railways or Wharfs of the said Company, as if this Act had not passed, but so as nevertheless not to prejudice or to injure such Railways, Wharfs, or other Works hereby authorized or directed to be made.

Copyhold Rights preserved.

XVI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, Exchanges, and Conveyances of any Lands or Hereditaments which are of the Nature of Copyhold, and have been heretofore held by Copy of Court Roll, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof the same are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services as the same would have been subject to if this Act had not been made.

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

XVII. Provided always, and be it further enacted, That if in making the said Railway or Tramroad and Branch any Part of any entire Piece or Parcel of Ground shall be taken, so that the Ground which shall be left on each or either Side of the said Railway or Tramroad and Branch shall be less than Fifty Yards in average Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Piece or Parcel of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Railway or Tramroad and Branch, then and in every such Case, if the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of the same, shall so require, but not otherwise, the said Company shall also take and purchase the Piece or Parcel of Ground so left on each or either Side of the said Railway or Tramroad and Branch, being less than Half an Acre in Quantity, or less than Fifty Yards in average Breadth throughout the whole Length thereof as aforesaid, the Price thereof

thereof to be ascertained and paid in the same Manner as is directed concerning any Land or Ground to be taken and used for the Purposes of this Act.

Satisfaction to be made for Lands taken.

XVIII. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees and other Persons or Parties hereby or otherwise enabled to sell and convey Lands, Tenements, and Hereditaments, and the Owner and Owners, and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or Tramroad and Branch, and 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 hereby authorized or intended to be made, in such gross Sums as shall be agreed upon between the said several Parties last aforesaid, or any of them, and the said Company; and in case the said Company and the several Parties interested in such Lands, Tenements, and Hereditaments respectively, cannot or do not agree as to the Amount of such Satisfaction and Compensation, the same shall be ascertained and settled in manner herein-after directed.

Difference respecting Lands, &c. to be settled by a Jury.

XIX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Hereditaments, Grounds, Messuages, Buildings, Tenements, Brooks, Canals, Waters, Reservoirs, 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 Trustees, or any other Person or Persons so interested, entitled, or empowered, or capacitated to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of his or their Cestuique Trust, or of the Person or Persons entitled in Remainder or Reversion after them as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one 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 or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested, entitled, or empowered to sell as aforesaid, shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands 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, 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 or Tramroad and Branch, and other Works aforesaid, or shall not produce or evince a clear Title

to the Hereditaments they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company; then and in every such Case the said Company 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 said County Palatine of *Lancaster*, 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 One of the Coroners of such County not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the said County, not interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impannel, summon, and return a Jury; and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impannel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, and the Persons so to be impannelled, summoned, and returned are hereby required to come and appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Sheriff, Under Sheriff, 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 can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned shall and 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 and call 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 Four 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 called *Quakers*, upon their solemn Affirmations (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to 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, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation either for the Damages which shall or may before that Time have been occasioned and sustained as aforesaid, or for the future temporary or perpetual Continuance of 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 can or will be no further

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 whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

Value of Land and Damages to be ascertained separately.

XX. 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 of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Politic or Collegiate, Owner or Owners, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway or Tramroad and Branch, 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.

Juries to determine what Portion of Compensation shall be paid to the Tenant.

XXI. 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.

Verdict of Juries to be recorded.

XXII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County Palatine among the Records of the Quarter Sessions for the same County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed as Evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same,

same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Jury to be subject to the same Regulations as in Courts of Record.

XXIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also, and in addition to the Penalty or Penalties hereby inflicted, 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 Perjury shall by the Laws then in being be subject and liable.

By whom Expences of Juries shall be paid.

XXIV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid, for more Money than shall have been previously offered by the said Company as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company; and in case such Costs and Expences shall not be paid to the Party or Persons entitled to receive the same within Ten Days after Demand thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, unless such Treasurer or Treasurers shall pay such Costs out of the Monies received by him by virtue of this Act, which he is hereby authorized to do under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Lancaster*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs, the same shall be settled and ascertained by any Justice of the Peace for the said County Palatine of *Lancaster*, not interested in the Matter in question, who

who is hereby authorized and required to examine into and tax and settle the same, and to appoint a Time and Place for 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 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, to enter into Bonds to prosecute.

XXV. And be it further enacted, That all and every Person or Persons who shall refuse to accept such Purchase or Compensation Money as shall have been offered them by the said Company, and shall request that the Matter in dispute shall be referred to the Determination of a Jury, shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company, in a Penalty of One hundred Pounds, to prosecute such 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 and recording such Verdict, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid, according to the true Intent and Meaning of this Act.

Where Persons Lands are damaged, Compensation to be made.

XXVI. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, and for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled or ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be recovered, levied, and applied in such and the same Manner as is herein directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Notice of Injury to be given to Proprietors.

XXVII. 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 be allowed, to receive and take notice of any Complaint or Complaints to be made by any Party or Parties whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed 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 Party or Parties to the said Company within the Space of Three Calendar Months after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XXVIII. And

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

XXVIII. 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 or Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month next 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 Hereditaments which shall be required for the Purposes of this Act, or in any other Case provided for by this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after 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 other 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 and their Successors, to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, or Person or Persons, to whom the same shall or ought to have been made, 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 or other Estates in Reversion and in Remainder of his, her, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into such Lands or Grounds, Tenements or Hereditaments, for the Purpose of making the said Railway or Tramroad and Branch, or other Works hereby authorized to be made, without the Leave of the respective Owners and Occupiers thereof in Writing made under their respective Hands.

Tenants at Will, &c. to quit Lands after Notice.

XXIX. And be it further enacted, That every Tenant at Will, Lessee for a Year, Tenant from Year to Year, and other Person or Persons in Possession of any Lands, Tenements, and Hereditaments which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the same than as 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, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Two Calendar Months next after Notice to that Effect shall have been given by the said Company, or left upon the said Premises by the said Company, or by the Person or Persons so authorized by them, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not; and in case any such Tenant or Lessee, or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, it shall be lawful

lawful for the said Company to issue their Precept or Precepts to the Sheriff of the said County Palatine of *Lancaster*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue by or on account of 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.

XXX. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Lands, Tenements, and Hereditaments so occupied by him, to the said Company, or to the 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 as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for Lands intended to be taken or made use of is by this Act directed to be assessed and ascertained.

Mortgages to be conveyed to the Company after Tender.

XXXI. And be it further enacted, That all and every Person and Persons having any Mortgage or Mortgages 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 or Mortgages, shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Company, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company; or in case such Mortgagee or Mortgagees 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 or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then and at the End of such Six Calendar Months, on Payment of the Principal 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 or Mortgages shall amount to more than the real Value of the Hereditaments to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Hereditaments so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed; provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage

or

or Mortgages 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 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 the Person or 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 Hereditaments 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 or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments so to be taken as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands or 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, her, 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 Hereditaments to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application of Compensation Money when exceeding 200*l.*

XXXII. 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 for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons 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 Court of Exchequer, to be placed to his Account there *ex parte* the *Manchester* and *Oldham* Railway Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present 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

1. G. 4. c. 35.

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 Body or Bodies or 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 Debts, or other Incumbrances, 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 where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed 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 Purchase can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies or Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, in case such Purchase and Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any such Person or Persons as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies or 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 the Guardian or Guardians, Committee or Committees of such Person or Persons, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Body or Bodies or 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 and Seals 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 them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

XXXIV. And be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Body or Bodies, 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 the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles.

XXXV. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums 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, upon Tender of the same being made as aforesaid, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Party or Parties to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Party or Parties entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Body or Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same Sum or Sums of Money 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 Party or Parties 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 Party or Parties as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

Where any Question shall arise

XXXVI. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into

touching the Title, the Parties in Possession shall be considered as entitled.

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 to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies or Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Bodies and Persons claiming under such Body or Bodies or Person or Persons, or under the Possession of such Body or Bodies or 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid and applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, or Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXVII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer 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, and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Resale of Land not wanted.

XXXVIII. 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 or possessed 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 or Pieces 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 purchase the same, and to convey the same accordingly; 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 notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall (in those Cases only where any Party or Parties is or are known, and can be found capable of treating in this Behalf) first offer to resell the same to the Owner or Owners of the adjoining Lands, and such Owner

Owner or Owners, 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 Resale shall have been made; and in case such Person or Persons to whom such Offer shall be made shall refuse to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to repurchase such Lands, Grounds, and Hereditaments, for the Space of Fifteen Days, then and in every such Case, an Affidavit made and sworn to 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*, by some Person or Persons not interested in the same Pieces or Parcels of Land or Ground, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused, or was not accepted or agreed to by the Person or Persons to whom the same was made, within the said Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatever be conclusive Evidence and Proof that such Offer was made and was refused, or was not accepted and agreed to within the Time aforesaid by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Company shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner in this Act directed with respect to the disputed Value of Hereditaments 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 Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act.

Receipt of Treasurer for Money received from the Sale of Land sufficient.

XXXIX. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments as last aforesaid, 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 or Persons for the Purchase Money for such Lands or Hereditaments, or any Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Power to purchase Land for Wharfs, &c.

XL. And whereas it may tend to the public Advantage and Accommodation if the said Company be empowered to purchase any Quantity of Land in addition to the Lands and Hereditaments which they are herein-before enabled to take and enter upon as aforesaid, not exceeding Twenty 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,

enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments (not exceeding in the whole Twenty 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, lodging, depositing, or keeping any Coals, Merchandize, or other Articles or Things carried or conveyed, or intended to be carried or conveyed upon the said Railway or Tramroad and Branch, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway or Tramroad and Branch, which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tramroad and Branch.

Power to sell Land, and purchase again.

XLI. 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 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 Body or Bodies, or Person or Persons who shall be willing to become the Purchaser or Purchasers 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 Twenty Acres of Land from incapacitated Persons, &c.

XLII. And whereas the said Company are enabled to purchase Twenty 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 or Tramroad and Branch, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other

Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuis que Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same, or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuis que Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Land so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuis que Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuis que Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuis que Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

The Word "Grant" in Conveyances made by the Company, to amount to certain Covenants.

XLIII. 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 amount to and be construed and adjudged, in all Courts of Judicature, to have the Force and Operation of express Covenants to the Grantee or Grantees, or other Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances committed by the said Company, for quiet Enjoyment thereof against

against the said Company and their Successors, and all claiming under them, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances, or any of them; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

For supplying Deficiencies in the Land Tax.

XLIV. 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, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of the 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 Parishes, 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 the said Parish or Parishes, Township or Townships, 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 are valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act, shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Act may be put in force on the passing thereof.

XLV. And whereas the probable Expence of making the said Railway or Tramroad and Branch, and other Works hereby authorized to be made, will amount to the Sum of Seventy-five thousand Pounds, which Sum has been already subscribed by several Persons under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Company to proceed in the Execution thereof.

Power to raise a Capital of 75,000*l.*

XLVI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum of Money for making and completing the said Railway or Tramroad and Branch, and the Inclined Planes, Ways, Wharfs, Staiths, Yards, Bridges, and other Works and Conveniences, and for the general Purposes of this Act, not exceeding in the whole the said Sum of Seventy-five thousand Pounds, and the same shall be divided into Seven hundred and fifty Shares of One hundred Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always 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

spective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, 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 to receive, at such Time and Times as the said Company or the Directors for the Time being shall at any General or Special Meeting, convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in manner herein directed and appointed.

Shares to be deemed Personal Estate.

XLVII. And be it further enacted, That all and every the Shares, and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or 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 not of the Nature of Real Property.

To compel Payment of Subscriptions.

XLVIII. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe or advance any Money for or towards making and maintaining the said Railway or Tramroad and Branch, 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 Portions thereof as shall from Time to Time be called for by the Company 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 their Directors, in manner herein-after mentioned; 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 be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Subscribers to be deemed Proprietors.

XLIX. And be it further enacted, That all and 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 One or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in the stated and special General Meetings to be held as herein-after appointed, for carrying on the said Undertaking, or relative thereto.

Name of the Proprietor that stands first to be deemed the Owner.

L. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall, for the Purposes of this Act, be deemed and taken to be the Owner or Proprietor of such Share or Shares, and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Company shall and may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, 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, and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote or Votes 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.

Votes may be given in Person or by Proxy.

LI. And be it further enacted, That every Proprietor entitled to vote at the said stated and special General Meetings of the said Company shall and may give his, her, or their Vote or Votes either in Person or by Proxy, every such Proxy being duly constituted under the Hand or Hands (or Common Seal if a Corporation) of every such Proprietor, and every such Proxy being also a Proprietor of the said Undertaking; and such Vote or Votes by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person; the Appointment of which Proxies may be made according to the Form or to the Effect following; (that is to say),

Form of Proxy.

'I of One of the Proprietors of the *Manchester* and *Oldham* Railway Company, do hereby nominate, constitute, and appoint of to be my Proxy, in my Absence to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking which shall be mentioned or proposed at any Meeting of the Company of Proprietors of the said Railway or Tramroad, in such Manner as the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing appertaining thereto. In witness whereof I have hereunto set my Hand the Day of in the Year of our Lord .'

And all Questions, Matters, and Things whatsoever which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present; and at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote as a Proprietor or Proxy, but in case of an Equality of Votes shall also have the decisive or casting Vote: Provided nevertheless, that no Body or Person shall have more than Ten Votes in their, his, or her own Right, nor more than Ten other Votes in right of such Proxy or Proxies.

Lunatic, &c. may Vote by their Committees.

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

Names of Proprietors to be entered in a Book.

LIII. 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 then be entitled to Shares in the said Undertaking, with the Number of the Shares which they are then respectively entitled to hold, and the Amount of the Subscription 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 also shall 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 One Shilling and no more for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as 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; and which said Certificate or Ticket may be in the Words or to the Effect following; (that is to say),

Form of Certificate.

'The *Manchester* and *Oldham* Railway Company.

'Number

'THESE are to certify, That of

'is a Proprietor of the Share or Number in the

'*Manchester* and *Oldham* Railway Company, subject to the Rules, Re-

'gulations, and Orders of the said Company; and that the said

'his [*or* her] Executors, Administrators [*or* Successors], and

'Assigns, is and are 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 .'

In case Certificates are destroyed, others may be given.

LIV. And be it further enacted, That if any of such Certificates or Tickets as aforesaid shall be worn out or damaged, then upon the same being brought and shown at some General Meeting of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given under the 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, and in his, her, or their Name or Names; or in case such Certificates or Tickets shall be burnt or totally destroyed, then upon due Proof thereof

like

like Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so burnt or destroyed, and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be made by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every Certificate or Ticket which shall be so given or exchanged, the Sum of One Shilling and no more.

Power to raise Money by Mortgage.

LV. 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 or Tramroad and Branch, and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company from Time to Time to raise any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds, by Mortgage of the said Undertaking; and it shall be lawful for the said Company, by an Order of any General Assembly of the said Company, to borrow and take at Interest all or any Part of the said Sum of Twenty 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 of any General Assembly, are hereby fully authorized and empowered 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 Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, the Company of Proprietors of the said Railway or Tramroad, 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 Railway and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us, the said Company of Proprietors, of, in, and to the same, to hold unto the said his [*or* her] Executors, 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 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 Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or Names of the Person

Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Railway, or other Persons interested therein, without Fee or Reward.

Power to transfer Mortgage.

LVI. And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments shall be 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 made in the Words or to the Effect following; (that is to say),

Form of Transfer.

'I [*or* We] of in consideration of the
'Sum of paid by of
'do hereby transfer a certain Mortgage made by the Company of Pro-
'prietors of the *Manchester* and *Oldham* Railway to
'bearing Date the Day of for securing
'the Sum of and Interest, and all my [*or* our] Right
'and Property therein, to the said his [*or* her, *or* their]
'Executors, Administrators, and Assigns. Dated this
'Day of in the Year of our Lord .'

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

Interest on Mortgage to be paid.

LVII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be made, paid, or divided; and in case the same or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall become due and payable as aforesaid, and after Demand thereof made, then it shall be lawful for any Two or more Justices of the Peace acting for the said County Palatine of *Lancaster*, and they are hereby required, on Request to them made by any Mortgagee whose Interest shall be so in arrear, by any Order under their Hands, to appoint One or more Person or Persons to receive the whole, or such Part or Parts of the said Rates or Duties 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 the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully paid and satisfied; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine; or otherwise the Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Mortgagees not to be deemed Proprietors.

LVIII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or by Proxy, 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 the Credit of such Assignment.

Application of Money raised.

LIX. 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 in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto; and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway or Tramroad and Branch, Ways, Wharfs, Staiths, Warehouses, Tunnels, Bridges, Reservoirs, and other Works, and other the Purposes of this Act.

General Meetings.

LX. And be it further enacted, That the said Company of Proprietors shall meet together at the *Palace Inn* in *Market Street*, or at some other convenient Place in *Manchester* aforesaid, within Two Calendar Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First General Meeting of the said Company, there shall be a General Meeting of the said Company on the First *Tuesday* in the Month of *June* in each and every Year, or within the Space of Ten Days next afterwards, and also such and so many Special General Meetings of the said Proprietors as shall be called as herein-after provided, of which said General Meetings and Special General Meetings Fourteen Days public Notice at 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 Meetings is called, and such General Meetings or Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

Special General Meetings may be called.

LXI. And be it further enacted, That Ten or more Proprietors of the said Company, holding in the Aggregate One hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands left at the Office of the Clerk of the said Company, or given to any

Director of the said Company, or left at his last or usual Place of Abode, 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 Seven Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Fourteen Days Notice thereof in some one or more Newspaper or Newspapers printed and circulated in the Town of *Manchester* aforesaid; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every 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; but no Business shall be done at any Special General Meeting other than the Business for which it shall have been called.

Proprietors of 100 Shares must be present at General Meetings on certain Occasions.

LXII. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present who shall be possessed of or entitled to at least One hundred Shares in the said Undertaking, either as Principals or Proxies, no Choice of Directors shall be made, nor shall any Business be done at that Time, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days, and if a sufficient Number of Proprietors as Principals or by Proxies, shall not then attend, the said General Meeting shall stand adjourned to that Day Three Weeks 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 such Directors so before appointed shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

Power for General or Special Meetings to make Bye Laws.

LXIII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to make such Rules, Orders, and Bye Laws, as to them shall seem right and proper, for the good Government of the said Undertaking, and for regulating the Proceedings of and making Allowances or Remuneration to their Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for regulating the Use of the said Railway, and for the Superintendence, Regulation, 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 Company present at such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any single Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed

printed and published and painted on Boards, shall be hung up and fixed on the Front of the several Toll 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 they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained.

General Meeting may settle Accounts.

LXIV. And be it further enacted, That any General Meeting or Special General Meeting, specially called for the Purpose, shall have full Power to call for, audit, and settle the Accounts of the said Company, and of the Directors, and of the Treasurers, Receivers, or Collectors of the Rates, and other Officers of the said Company.

Power to appoint Directors.

LXV. And be it further enacted, That at the First General Meeting of the said Company which shall be held next after the passing of this Act, and also at every succeeding General Meeting of the said Company to be held in the Month of *June* in each Year, or at some Adjournment thereof respectively, Fifteen Persons shall be elected and appointed out of the Proprietors of the said Undertaking, who shall each of them be possessed of Five Shares or more therein, to be Directors for managing the Affairs of the said Company, and such Directors shall continue in their Offices for the Space of One Year, to be computed from the Day of Election, or until others or another shall be duly elected into their or any of their Places; provided that nothing herein contained shall render any Director whose Office shall have expired ineligible to be a Director for the ensuing Year: Provided also, that no Person shall be qualified to be elected, nor to serve or act as a Director, who shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Company, or shall be a Dealer either directly or indirectly in any Article, Matter, or Thing used by the said Company, (except in Coals for supplying Steam Engines used on the said Railway).

For supplying Vacancies in Direction.

LXVI. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die or resign, or shall cease to be a Proprietor of Five Shares in the said Undertaking, or shall be otherwise disqualified to act as a Director, it shall be lawful for the remaining Directors to elect some other Proprietor holding Five Shares at least in the said Undertaking to be a Director, and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Director so long as the Person in whose Place or Stead he was elected would have been entitled to have continued had he lived or remained in Office, and continued qualified in that Behalf.

General Meeting may appoint a Treasurer and Clerk.

LXVII. And be it further enacted, That the said Company shall at their First General Meeting, or at some Adjournment thereof, elect and choose a Treasurer or Treasurers and Clerk, 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 hereinbefore directed, from Time to Time to remove and displace such Treasurer

surer or Treasurers, and Clerk, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices; and shall also from Time to Time elect, choose, and appoint, in manner aforesaid, any other Person or Persons to act as Treasurer or Treasurers, and Clerk of the said Company, in room of such of the said Officers as shall happen to die, or to resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries and other Emoluments to the said Officers, or any of them, as at any such General or Special Meeting shall from Time to Time be fixed upon and determined: 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, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

LXVIII. 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 his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall act in both the 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 his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Employ of such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place 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, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

For appointing a Treasurer and Clerk, in case of Death, &c.

LXIX. And be it further enacted, That in case any such Treasurer or Treasurers, or Clerk, shall die, be removed from, or quit the Service of the said Company, it shall be lawful for the said Company, at their said stated or Special General Meetings, or for the Directors of the said Company, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Company; but in case any such new Appointment be made by the said Directors, the same shall only continue until the next stated or Special 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 Proprietors at such stated or Special General Meeting shall think

proper; and all which Acts of the said Directors shall be conclusive, unless revoked by the General Meeting holden next after such Acts as aforesaid.

Power of Directors.

LXX. 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 General and Special Meetings; and at all Meetings of the said Directors, One of the Directors present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes then present (the whole Number present not being in any Case less than Three); and such Directors shall have full Power and Authority to direct and manage all and every the Affairs of the said Company in contracting for and in purchasing Messuages, Tenements, and other Hereditaments and Materials for the Use of the said Undertaking, and in making Contracts for the Construction of the said Railway, Branch, and other Works, or any Part thereof, and in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing, or displacing any Officer, Engineer, Agent, Servant, and Workmen of the said Company (except the Treasurer or Treasurers, and Clerk, herein-before directed to be appointed by a General Meeting of the said Company), with such Salary, Gratuity, or Recompence, as to the said Directors shall seem proper, and in making all Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or Officers (not being a Treasurer or Clerk of the said Company), or other Person, for the faithful Execution of their respective Contracts and 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 in any Meeting of the said Directors, except the Chairman, who, in case of an equal Division, shall always have a Second or casting Vote, although he may have given One Vote before.

Books of Account, &c. to be kept.

LXXI. And be it further enacted, That the said Directors shall keep or cause to be kept a full and true Account of all Monies disbursed and Payments made by them, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts 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 may require) of every such Contract or Bargain, Receipt and Disbursement, and other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors: Provided always, that every Proprietor shall have full Access thereto for his or her Inspection, without paying any thing for the same.

LXXII. And

Officers to account.

LXXII. 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 Company, by Writing under their Common Seal, make out and deliver to the said Company, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or 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 for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver 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 Company, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Company, or by any Person on their Behalf, to any Justice of the Peace for the said County Palatine of *Lancaster*, 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; 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 or received shall be in the Hands of or 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 shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or any House of Correction of or for the said County Palatine of *Lancaster*, 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 Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company

pany (and which Composition the said Company are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress, shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Proceedings of Meetings to be entered in a Book.

LXXIII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meeting of the Company as of the Directors, shall be entered in a Book or Books to be provided and kept for that Purpose; and such Orders and Proceedings, when so entered, 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.

Names of Proprietors to be entered in a Book.

LXXIV. 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 a perfect and true Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or be entitled to any Share or Shares therein; and every Proprietor of the said Undertaking 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 any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk to the said Company shall refuse to permit any Proprietor to inspect or peruse any such Book or Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Directors empowered to make Calls.

LXXV. 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 wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Persons 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 Three Calendar Months at the least from each other, and Ten Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some one or more Newspaper or Newspapers printed or circulated in the said Town of *Manchester*, which Monies so called for shall be paid to such Person or Persons and in such Manner as the Directors shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their 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 Person or Persons shall neglect or refuse to pay his, her, or their rateable proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid,

If Calls are not paid, Shares to be forfeited.

it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or 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 may and they are hereby authorized at a General Meeting to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and shall be assigned by Writing under the Common Seal of the said Company unto the Purchaser or Purchasers thereof, and the Produce of such Sales shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, shall have been given or sent by the Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some stated or General Special Meeting of the said Company which shall be held after the End of Two Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

No Advantage to be taken of Forfeiture, without Notice.

LXXVI. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; 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 than shall be deemed sufficient, as near as may be at the Time of such Sale, 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 the Payment of all and every such Call or Calls, and the Interest and Expences attending the same, any Share or Shares so 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.

If the Purchase Money for Shares shall be more than sufficient to pay the Arrears of Call, &c. the Surplus to be paid to the Owner on Demand.

LXXVII. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company 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

How Actions may be brought against the Proprietors of Shares.

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 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 was or were in fact made, and that such Notice thereof was given as 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 shall thereupon be entitled to recover what shall appear due in respect of such Call or Calls, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

For ascertaining the Proprietorship of Shares in certain Cases.

LXXVIII. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of One or more Share or Shares in the said Undertaking shall die, 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 or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, and Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, Suit or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid where the Right and Property in any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof in Form and Manner herein specified, or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares have or hath passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Affidavit shall be delivered to and left with the Clerk to 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 by the Clerk to 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 so to be called for, and 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 Subscribers and Proprietors, 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 manner by this Act directed.

If no Affidavit be made and filed, then Notice to be inserted in the London Gazette before Shares are forfeited.

LXXIX. And be it further enacted, That 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 then last Place of Abode of the Executors or Administrators 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 Person or Persons appearing in the Book of the said Company to have been then last possessed of the same; and in case any Subscriber or Subscribers, or his, her, or their Executors or Administrators, or Assignees or Trustees, shall go out of the Kingdom of *England*, such Notice shall be inserted in the *London Gazette;* and in all such Cases, and after such Notices, on default being made, the said Shares shall be forfeited in manner aforesaid, except only that in case of the Subscriber or Subscribers, his, her, or their Executors or Administrators, or Trustees or Assignees, being abroad as aforesaid, the Share or Shares shall not be forfeited until after Expiration of Six Calendar Months after the Day on which such Notice as aforesaid shall have been inserted in the *London Gazette*.

No Proprietor of Shares to vote till Calls are paid.

LXXX. 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 as aforesaid.

Directors to keep a Minute of their Proceedings, and be under the Controul of General Meetings.

LXXXI. And be it further enacted, That such Directors shall keep regular Minutes or Entries 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 Meeting of the said Proprietors 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 Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Power for Directors to appoint a Committee.

LXXXII. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint out of their own Body One or more Committee or Committees, who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking, which the said Directors are themselves herein-before authorized to do, or such of them as the said Directors shall think proper to intrust to the Care and Management of 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

said Directors for the Time being to order and direct such Compensation or Recompence to be made 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 and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead when and as often as such Directors shall think proper and expedient, and such Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Directors be vested in any such Committee or Committees within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, and at all Meetings of such Committees respectively, the whole Number present not being less than Three, and One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before: Provided always, that no Person shall be qualified to be nominated or appointed, nor to serve or act as a Member of the said Committee who shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Company or their Directors, or shall be a Dealer, either directly or indirectly, in any Article, Matter, or Thing used by the said Company or their Directors (except in Coals for supplying Steam Engines used on the said Railway).

Shares may be sold.

LXXXIII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Twenty Pounds *per Centum* by him, her, or them, on his, her, or their Share or Shares in the said Subscription, but not before, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares may be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say),

Form of Transfer.

'I of in consideration of
'paid to me by do hereby assign
'and transfer to the said Share [*or* Shares, *as*
'*the Case may be*] numbered ( ) of and in the Undertaking
'called The *Manchester* and *Oldham* Railway Company, to hold unto
'the said his Executors, Administrators, and As-
'signs, subject to the same Rules, Orders, and Regulations, and on the
'same 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

And on every such Sale, the said Deed or Conveyance, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk to the said Company shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which the Sum of Two Shillings and Sixpence shall be paid by the Purchaser or Purchasers, and no more, and the said Clerk is hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

No Share to be sold till Calls are paid.

LXXXIV. Provided always, and be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made by the said Directors for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they 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 each Share so sold or transferred.

Accounts to be made up annually.

LXXXV. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company of Proprietors or their Directors shall and they are hereby required, from the Time of passing this Act, to cause a true, exact, and particular Account to be kept and annually made up and balanced in the Month of *June* in each Year, of the Money collected or received by the said Company or their Directors 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 their Directors; and at the General 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 or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested 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 General Yearly Meeting which shall be holden next after the Expiration of Twelve Calendar Months 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 or Shares after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Directors empowered to make Dividends.

LXXXVI. Provided nevertheless, and be it further enacted, That notwithstanding any thing herein-before contained, it shall be lawful for the said Directors and they are hereby authorized and empowered to declare One or more Dividend or Dividends at such intermediate Time or Times between the said annual Meetings as the said Directors shall think fit.

How Shares are to be transferred, in case of Marriage, &c. of Proprietors.

LXXXVII. 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 may belong; be it therefore further enacted, That before any Person or Persons who 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 Shares, an Affidavit (or solemn Affirmation by any Person of the Society of Quakers), in Writing, containing a Copy of the Register of such Marriage, shall be made and sworn to, or solemnly affirmed, by some credible Person before a Master or Master Extraordinary in Chancery, or any One 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 of Sales of Shares in the said Undertaking; and before any Person or Persons 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 Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or the Letters of Administration of the Intestate, shall be made and sworn to, or solemnly affirmed to, by the Executor or Executors of the said Will, or Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any One 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; and in all Cases, other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons, 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 One or more 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 or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Books or List of Proprietors of the said Company, and the Clerk of the said Company shall be entitled to receive, for each and every of such Entries as is herein-before directed, the Sum of Two Shillings and Sixpence and no more.

Receipt of One Proprietor of

LXXXVIII. And be it further enacted, That the Receipt or Receipts of the Person, or any one of the Persons, in whose Name or Names any

Share or Shares in the said Undertaking shall stand in the 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 Dividends, Sum or Sums of Money, which shall become due and payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled, conveyed, or assigned. Shares to be sufficient.

LXXXIX. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor in the said Undertaking, who shall be a Minor, or under the Age of Twenty-one Years, 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. Receipt of Parent or Guardian of a Minor to be sufficient.

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

For all Lime, Dung, Earth, Compost, and all Sorts of Manure, all Materials for making or Repairs of the Public Highways or Roads, and which shall be drawn or propelled and carried by and at the Expence of the said Company of Proprietors, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding Two-pence *per* Ton *per* Mile:

For every Ton of such Articles which may be only drawn or propelled by the Engines of the said Company, a Sum not exceeding One Penny Halfpenny *per* Ton *per* Mile:

For every Ton of such Articles which may be drawn or propelled by the Engines or other Power, and carried in the Waggons of any Person or Persons, other than the said Company, such Sum as the said Company of Proprietors shall appoint, not exceeding One Penny *per* Ton *per* Mile:

For all Coal, Coke, Culm, Charcoal, Cinders, Stone, Marl, Sand, Clay, Buildings, Pitching and Paving Stones, Flags, Bricks, Tiles, Slates, Lime, Earth, Staves, Deals, Lead and Iron in Pigs, or other Metals, and which shall be drawn or propelled, and carried by and at the Expence of the said Company of Proprietors, such Sum as the said Company may from Time to Time appoint, not exceeding Three-pence *per* Ton *per* Mile:

For every Ton of such Articles which may be only drawn or propelled by the Engines of the said Company, such Sum as the said Company of Proprietors shall appoint, not exceeding Two-pence Halfpenny *per* Ton *per* Mile:

For every Ton of such Articles which may be drawn or propelled by the Engines or other Power, and carried in the Waggons of any Person or Persons, other than the said Company, such Sum as the said Company of Proprietors shall appoint, not exceeding Two-pence *per* Ton *per* Mile:

For all Timber, Cotton, Wool, Hides, Drugs, Dye-woods, Sugar, Corn, Grain, Flour, manufactured Goods, Lead in Sheets, or Iron in Bars, and all other Wares, Merchandizes, Matters, or Things, and which shall be drawn or propelled and carried by and at the Expence of the said Company of Proprietors, such Sum as the said Company may from Time to Time appoint, not exceeding Three-pence Halfpenny *per* Ton *per* Mile:

For every Ton of such Goods which may be drawn or propelled only by the Engines of the said Company, a Sum not exceeding Three-pence *per* Ton *per* Mile:

For every Ton of such Goods which may be drawn or propelled by the Engines or other Power, and carried in the Waggons of any Person or Persons, other than the said Company, such Sum as the said Company of Proprietors shall appoint, not exceeding Two-pence Halfpenny *per* Ton *per* Mile:

For all Goods, Wares, and Merchandize, and all other Commodities, Matters, and Things whatsoever, and for all Carriages conveying Passengers or Cattle, which shall pass or be carried or conveyed upon any of the Inclined Planes upon the said Railway or Tramroad and Branch, such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of Sixpence *per* Ton at each and every of the said Inclined Planes upon or over which such Goods, Wares, and Merchandize, or other Commodities, Matters, and Things shall be so passed, carried, or conveyed, where the same shall be passed by means of Steam Power, over and above and in addition to the respective Rates and Tolls herein-before made payable for the same; and such Charge of Sixpence *per* Ton shall be considered a full Compensation to the said Company for the Use of the stationary Engine and Machinery connected therewith at each such Inclined Plane, and for the Attendance and Assistance of the Company's Servants in passing the Goods and Waggons over the said Planes:

And for all Goods, Wares, Merchandize, and all other Commodities, Articles, Matters, and Things whatsoever, and for all Carriages conveying Passengers or Cattle, which shall pass or be carried or conveyed upon any of the Inclined Planes upon the said Railway or Tramroad and Branch, such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of Three-pence *per* Ton at each and every of the said Inclined Planes upon or over which such Goods, Wares, and Merchandize, or other Commodities, Matters, and Things, Passengers or Cattle, shall be so passed, carried, or conveyed, where the same shall be passed by any other means than that of Steam Power, over and above and in addition to the respective Rates and Tolls herein-before made payable for the same; and such Charge of Three-pence *per* Ton shall be considered a full Compensation to the said Company for the Use of any such Machine or Power, other than Steam Power, at each such Inclined Plane, and for the Attendance and Assistance of the Company's Servants in passing the Goods and Waggons over the said Planes.

XCI. And

Power to take Tolls.

XCI. And be it further enacted, That it shall and may 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, or other Carriages, which shall be used on the said Railway or Tramroad and Branch, or any Part thereof, for the Conveyance of Passengers or Cattle, the several Tolls herein-after mentioned; (that is to say,)

For every Person passing in or upon any such Carriage, the Sum of Twopence Halfpenny *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Cattle, carried in or upon such Carriage, the Sum of One Penny Halfpenny *per* Mile:

And for every Calf, Sheep, Lamb, or Pig, passing in or upon any such Carriage, the Sum of One Farthing *per* Mile.

Regulations as to the fractional Part of a Ton or Mile.

XCII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton on the gross Weight of the Loading in or upon any Waggon, Cart, or other Carriage, or Train of Waggons, Carts, or other Carriages, a Proportion of the same Rates shall be demanded 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 of a Ton, such Fraction shall be deemed and considered as a whole Quarter; and in all Cases where there shall be a Fraction of a Halfpenny in the Amount of the said Rates, Tolls, and Duties, or any of them, such Fraction shall be deemed and considered as a whole Halfpenny; 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 or Tramroad and Branch, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile 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 whole Quarter of a Mile.

Stones or Marks to be put up describing Distances.

XCIII. And in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway or Tramroad and Branch; be it further enacted, That the said Company shall cause the said Railway or Tramroad and Branch to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions thereon; and it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as such Stones shall be so set up and maintained as aforesaid.

Table of Tolls to be put up.

XCIV. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act, the said Company or the said Directors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing

at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Rates of Tonnage payable at every such Gate, distinguishing the several Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

For preventing Toll Collectors from taking undue Toll.

XCV. And be it further enacted, That every Collector of the Rates to be received by the said Company by virtue of this Act shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Stop Gate, Toll Gate, or Toll House, 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, 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 Rates 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 Rate 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 refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading the Inscription on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Rates or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Waggon or other Carriage, or prevent any Person or Persons from passing along the said Railway or Tramroad and Branch, entitled so to do, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

For better ascertaining Rates due.

XCVI. And for better ascertaining and more easily collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of every Waggon or other Carriage passing upon the said Railway or Tramroad and Branch, or upon any Part thereof, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid 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 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 or Goods at any other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace of the County Palatine of *Lancaster*, every such Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Ten 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 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.

For settling Disputes concerning Rates.

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

Power to weigh and gauge Goods, &c.

XCVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, or 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 weighing, measuring, or gauging, appear to be of greater Weight or Quantity that what is set forth and 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 upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any Justice of the Peace for the County Palatine of *Lancaster*, on the Oath of any credible Witness, to have arisen from such Detention; and in default of immediate Payment thereof by the Collector, the same may be recovered by Distress and Sale of the Goods of the said Company,

Company, or of the said Collector, 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.

Power to reduce Rates.

XCIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Meeting of the said Company, from Time to Time and as often as they shall think fit, to lessen or reduce all or any of the Rates, Tolls, and Duties herein-before authorized to be taken for or in respect of all or any of the Articles or Things herein-before specified or mentioned, which shall be conveyed upon the said Railway or Tramroad and Branch, or any Part thereof, and afterwards from Time to Time again to raise, advance, and vary the same, so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected.

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

C. Provided always, and be it further enacted, That the said Company of Proprietors or their Lessee or Lessees, shall not partially raise or lower the Rates, Tolls, and Duties payable under this Act, or the Sum or Sums of Money to be paid to the said Company for the Carriage and Conveyance of Goods, Wares, Merchandize, Articles, Matters, and Things carried and conveyed along the said Railway, but that all and every the Rates, Tolls, and Duties, Sum and Sums of Money so to be paid as aforesaid, shall be so fixed as that the same Rates, Tolls, and Duties, Sum and Sums of Money, shall be taken from all Persons alike under the same or similar Circumstances.

Power to lease their own Tolls to the Owners of Mines.

CI. And whereas the Owners, Proprietors, or Lessees of any Coal Mines situated upon the Line of or near the said Railway or Tramroad and Branch, may be induced to make Branch Railways to connect with the said Railway or Tramroad and Branch hereby authorized to be made, on having Leases of the Tolls or Dues payable on or in respect of the Coals by them respectively put upon or carried on the same Railway; 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 or Times to grant a Lease or Leases to any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of Coal Mines, of the Rates, Tolls, or Duties chargeable for all Coal to be brought by such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and carried on the said Railway or Tramroad and Branch, for any Term or Time which the said Company shall think proper, not exceeding Thirty-one Years from the Commencement of any such Lease, and at such Rates or Rents, and payable at such Times, and upon such Terms as the said Company shall think fit, and such Leases shall be valid and effectual in Law; provided public Notice of the Intention to grant any such Lease be given in Writing by the Clerk of the said Company, by Advertisement in some Newspaper published in the said Town of *Manchester*.

Power to farm the Rates.

CII. And be it further enacted, That it shall be lawful for the Directors for the Time being of the said Company, by Writing under the Common Seal of the said Company, at any Time or Times, to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the whole or any Part or Parts of the said Railway or Tramroad and Branch, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement

Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee and Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or 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 public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Directors, or any Three or more of them, or by the Clerk of the said Company of Proprietors, by Advertisement published in some Newspaper published within the said County Palatine of *Lancaster*, or by Notice to such Proprietors as aforesaid, at least Twenty Days prior to any Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Company may carry Goods.

CIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, if they shall think fit, to carry and convey over and along the said Railway or any Part thereof, any Goods, Wares, Merchandize, Articles, Persons, Matters, or Things, and to ask, demand, recover, and receive, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Wares, Merchandize, Articles, Persons, Matters, or Things carried and conveyed along the same, or any Part thereof (exclusive of the several Rates herein-before authorized to be charged and received as and for Tonnage), such reasonable Sum or Sums of Money as such Company shall require, and the Person or Persons sending or delivering such Goods or Matters, or the Person or Persons so to be carried, shall consent to pay for the same.

Company empowered to regulate and fix the Price of small Parcels, not exceeding 500 Pounds Weight.

CIV. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors from Time to Time, at any General Meeting of the said Company to be held as herein-before is directed, to make such Bye Law or Bye Laws for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or Tramroad and Branch, or any Part thereof respectively, whether such Parcel be conveyed by the said Company of Proprietors or by any other Person or Persons, and from Time to Time to repeal, alter, or vary the said Rates, as to them shall seem meet, fitting, and reasonable; and the said Company of Proprietors shall from Time to Time cause to be affixed and stuck up upon every public Wharf, and upon every Stop Gate or Toll House on the Line of the said Railway or Tramroad and Branch, in some conspicuous Part there, in large and legible Characters, an Account or List of the several Rates of Tonnage which the said Company of Proprietors shall from Time to Time so direct and appoint, and of the Price or Prices, Sum and 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 Tramroad and Branch, or any Part thereof; and in case any Owner or Master, or other Person belonging to any Waggon or other Carriage passing upon the said Railway or Tramroad and Branch, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such

Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or Persons as aforesaid, shall forfeit any Sum not exceeding Five Pounds; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Office.

Penalty on defacing Boards whereon Tolls, &c. are painted.

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

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

CVI. And be it further enacted, That the Rate of Tonnage herein-before authorized to be demanded and taken, and also the several other Rates and Duties herein 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 or Tramroad and Branch, 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 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 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, Tolls, or Duties ought to have been paid, may, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage or Carriages 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 Five 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 accidental Loss, 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.

Company to draw Coal along the Railway without any Preference.

CVII. Provided always, and be it further enacted, That after any locomotive Steam Engine shall be used and employed on the said Railway or Tramroad and Branch, and for and during such Periods only as the same shall be so used or employed, the said Company shall and they are hereby required to draw or propel along the said Railway or Tramroad and Branch respectively, by Steam Engines or other adequate Power, all such Coal as shall be offered to the said Company for that Purpose, in the Order and Rotation in which the same shall be so tendered or offered, and

and without any Preference or Priority of one Person's Coal over another Person's, the said Company hereby incorporated charging, receiving, and recovering for the drawing or propelling of such Coal the Rate and Toll hereby authorized to be taken for and in respect of Coal to be drawn or propelled by the Engines of the said Company, and returning the empty Waggons Toll-free to the Point or Place whence the same were originally delivered.

Names of Owners of Waggons, &c. to be entered with the Clerk.

CVIII. And for the better Regulation of the Owners of the Waggons and other Carriages, and others employed by or 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 any Waggon or other Carriage passing along the said Railway or Tramroad or Branch, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number and Weight of his, her, and their Waggon or other Carriage, to be entered with the Clerk or principal Agent of the said Company, and shall also cause such Name or Names, and Number and Weight, to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at the least, and of a proportionate Breadth, on each 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 any Person or Persons by them appointed for that Purpose; 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 or Tramroad or Branch, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively as herein-before directed, or who shall alter, erase, or deface such Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false 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.

Owners of Waggons to be answerable for Damage done by their Waggon.

CIX. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad and Branch shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tramroad and Branch, or any Part thereof respectively, or to any Bridges, Engines, Reservoirs, and 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 such Person or Persons before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses, pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds; and also shall, over and above such Damages,

Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, 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, on 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 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 or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

But such Owners may recover the same again from their Servants.

CX. 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 or Tramroad or Branch shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay 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, although demanded, such Oath to be made before some Justice of the Peace for the said County Palatine of *Lancaster*, the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants, 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 as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants to the Common Gaol or House of Correction for the County Palatine of *Lancaster*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months,

Penalty for obstructing the Passage on the Railway.

CXI. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing upon any Part of the said Railway or Tramroad and Branch, to be made by virtue of this Act, 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 Tramroad and Branch, or any Part thereof respectively, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on destroying Works.

CXII. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Undertaking, break, throw down,

down, destroy, steal, carry, or take away any Part of the said Railway or Tramroad and Branch, or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases 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, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty for Waggons remaining on the Railway.

CXIII. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railway or Tramroad and Branch, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not immediately upon Request made remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Twenty Shillings for every Hour every such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company to cause any such Waggon or other Carriage 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, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid; and the said Company, or such Agents or Officers, shall not be accountable for any accidental Loss, Injury, or Damage which may accrue to any such Waggon or Carriage, or the Loading thereof, or any Part of such Loading, in consequence of such Unloading, Removal, and Detention, as aforesaid.

The Company not liable to pay Toll to the Trustees of any Turnpike Road.

CXIV. And be it further enacted, That neither the said Company of Proprietors, nor any Person or Persons whomsoever, shall be subject to or liable to pay to the Trustees of any Turnpike Road any Toll whatsoever for any Waggon, Cart, or Carriage when passing or repassing along and upon the said Railway or Tramroad and Branch, or upon any Part thereof, or for any Horses, Mules, or other Cattle when employed in drawing the same thereon, notwithstanding any such Waggon, Cart, or Carriage, Horse, Mule, or Cattle, shall or may pass or repass across any such Turnpike Road or Roads; any Law or Statute to the contrary notwithstanding.

Company to erect Gates, &c. where necessary.

CXV. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, after any Part of the said Railway or Tramroad and Branch shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railway or Tramroad and Branch, and also all Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Tramroad and Branch, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County Palatine of *Lancaster* shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway, or Tramroad and Branch shall be made, or for protecting the said Lands

and Grounds from Trespass, or the Cattle or other Property of the Owners or Proprietors thereof from estraying or escaping thereout by reason of such Railway or Tramroad and Branch, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, 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 sufficient Repair and Condition by the said Company; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and 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 these Purposes respectively by such Justices, then and in every Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments who shall find himself, herself, and themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be 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, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or Tramroad and Branch, or any Buildings and other Things hereby authorized to be made or erected by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof, and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired or amended, such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten 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, or their Clerk for the Time being; 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 such Person or Persons to whom such Costs and Charges shall have been allowed, rendering unto 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 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.

Owners of Lands empowered to erect Gates, if those erected by

CXVI. Provided always, and be it further enacted, That if the Owner or Occupier of any Lands or other Hereditaments through which the said Railway or Tramroad and Branch shall be made, do or shall at any Time or Times hereafter 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 their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tramroad and Branch shall pass, then and so often and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company upon Request made to them, or in case of their Refusal for the Space of Thirty 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 other like Construction or Form with those made and erected by the said Company in, upon, along, or near to the said Railway or Tramroad and Branch, 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 or Tramroad and Branch 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, and Passages had been made or erected by the said Company.

the Company are insufficient.

CXVII. And whereas it will be necessary to make the said Railway hereby authorized to be made across the *Rochdale* Canal within the Township of *Failsworth* in the County Palatine of *Lancaster*; be it therefore enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required at their own Expence to erect and build a good, firm, and substantial Bridge of Brick, Stone, or Iron, over the said Canal and the Towing Path thereof, with proper Approaches thereto, upon or over which Bridge the said Railway shall be made, and the Opening or Span of the Arch of the said Bridge which shall be made over the said Canal and Towing Path shall not be less than Thirty-seven Feet between the Walls or Abutments thereof, and the Under-side of the Crown of the Arch of the said Bridge shall not be less than Twelve Feet in Height above the Top Water Level of the said Canal where such Bridge shall be erected; and the said Company of Proprietors hereby incorporated shall at all Times for ever after such Bridge shall have been erected, keep the said Bridge, or any future Bridge to be erected in lieu thereof (and which shall be of the like Dimensions, Capacity, and Materials as are herein-before mentioned), in good, perfect, and complete Repair; and in case Notice shall be given by any Agent or Clerk of the Company of Proprietors of the said *Rochdale* Canal to the said Company of Proprietors hereby incorporated, their Clerk or Agent, of any Want of Repair to the said Bridge, and if the said Company of Proprietors hereby incorporated shall not for the Space of Thirty Days after the Service of such Notice commence such Repair, and proceed therein with all reasonable Expedition until the same shall be completed, the said Company of Proprietors of the said Canal may, in case they shall see fit, from Time to Time repair or rebuild such Bridge, as the Case may require, and the same Company may think necessary; and all the Expences thereof shall be repaid by the said Company of Proprietors hereby incorporated to the Company of Proprietors of the said Canal, upon Demand; and in default of

Company to build a Bridge across the Rochdale Canal in the Township of Failsworth.

of such Payment, any Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* shall and they are hereby required, on Application by the said Company of Proprietors of the said *Rochdale* Canal, or of any Person by their Direction or under their Authority, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said Company of Proprietors of the said *Rochdale* Canal, their Clerk or Agent, rendering the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the said Company of Proprietors hereby incorporated, or to some of their Agents; or otherwise the said Company of Proprietors of the said Canal shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

The Railway Company not to obstruct the Navigation of the Canal.

CXVIII. Provided always, and be it further enacted, That the said Company of Proprietors hereby incorporated shall give Fourteen Days previous Notice in Writing to the said *Rochdale* Canal Company, or to their Clerk or Treasurer for the Time being, when it shall be necessary for the Purposes of this Act to alter the Course of or to draw off the Water of the said *Rochdale* Canal, and shall not in or by the Execution of any of the Powers hereby granted occasion any Obstruction, Damage, or Injury to the said *Rochdale* Canal, or the Boats, Barges, or Vessels navigating thereon, or to any of the Works of the Company of Proprietors of the said *Rochdale* Canal, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal, and the Branches communicating therewith, and the Towing Path, Wharfs, and Works to the same belonging, save only such as shall be unavoidable in the erecting or repairing of the said Bridge.

Company to build a Bridge over the Branch of the Ashton-under-Lyne Canal Navigation from Manchester to Hollinwood.

CXIX. And whereas it will be necessary to make the said Railway hereby authorized to be made, across the Branch of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, leading to *Hollinwood* in the Parish of *Prestwich-cum-Oldham*, in the said County Palatine of *Lancaster*; be it therefore enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, to erect and build a good, firm, and substantial Bridge of Brick, Stone, or Iron, over the said Branch of Canal and the Towing Path thereof, with proper Approaches thereto, upon which Bridge the said Railway shall be made; and the Opening or Span of the Arch of the said Bridge which shall be made over the said Branch of Canal and Towing Path shall not be less than Twenty-one Feet between the Walls or Abutments thereof, and the Under-side of the Crown of the Arch of such Bridge shall not be less than Nine Feet in Height above the Top Level of the said Canal or Branch where such Bridge shall be erected; and the said Company of Proprietors hereby incorporated, shall at all Times for ever after such Bridge shall have been erected, keep the said Bridge, or any future Bridge to be erected in lieu thereof, (and which shall be of the like Dimensions, Capacity, and Materials as are hereinbefore mentioned,) in good, perfect, and complete Repair; and in case such

such Notice shall be given by any Agent or Clerk of the Company of Proprietors of the said Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, to the said Company of Proprietors hereby incorporated, their Clerk or Agent, of any Want of Repair to the said Bridge, and if the said Company hereby incorporated shall not, for the Space of Thirty Days after the Service of such Notice, commence such Repair and Process therein with all reasonable Expedition, until the same shall be completed, the said Company of Proprietors of the said Canal Navigation may, in case they shall see fit, from Time to Time repair or rebuild such Bridge, as the Case may require, and the same Company may think necessary; and all the Expences thereof shall be repaid by the said Company of Proprietors hereby incorporated to the Company of Proprietors of the said Canal Navigation, upon Demand; and in default of such Payment any Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* shall and they are hereby required, on Application by the said Company of Proprietors of the said Canal Navigation, or of any Person by their Direction or under their Authority, by Warrant under the Hands and Seals of the same Justices, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said Company of Proprietors of the said Canal Navigation, their Clerk or Agent (rendering the Overplus, if any, upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the said Company of Proprietors hereby incorporated, or to some of their Agents); or otherwise the said Company of Proprietors of the said Canal Navigation shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

The Railway Company not to obstruct the Navigation of the Canal.

CXX. Provided always, and be it further enacted, That the said Company of Proprietors hereby incorporated shall give Fourteen Days previous Notice in Writing to the said Company of Proprietors of the said Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham* aforesaid, or to their Clerk or Treasurer for the Time being, when it shall be necessary for the Purposes of this Act to alter the Course of or to draw off the Water of the said Canal Navigation, and shall not, in or by the Execution of any of the Powers hereby granted, occasion any Obstruction, Damage, or Injury to the said Canal Navigation, or the Boats, Barges, or Vessels navigating thereon, or to any of the Works of the Company of Proprietors of the said Canal Navigation, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal and the Branches communicating therewith, and the Towing Paths, Wharfs, and Works to the same belonging, save only such as shall be unavoidable in the erecting or repairing of the said Bridge.

Declaring how the Railway shall be made and executed over and across certain Land belonging to C. Ryder.

CXXI. Provided always, and be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required to execute the said Railway over and across a Parcel of Land, the Property of *Charles Ryder*, situate at *Miles Platting* in the said Township of *Manchester*, so and in such Manner that the said Road shall pass or be made at the Distance of Ten Yards from and to the South of a certain

tain Cottage House in the Occupation of the Reverend *Robert Bradley* Clerk; and where the said Railway shall pass over and across the Pond or Reservoir belonging or appertaining to a Factory of the said *Charles Ryder* at *Miles Platting* aforesaid, the same Railway shall be constructed upon Arches; or if the same Railway shall be formed by filling up any Part of the said Reservoir, then and in such Case the said Company of Proprietors hereby incorporated shall, at their own Expence, excavate and make out of and in the adjoining Land of the said *Charles Ryder*, a Reservoir equal in Extent to the one so to be taken in the Execution of the Powers of this Act.

Owners and Occupiers of Lands may pass on the Railway.

CXXII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad and Branch shall be made, and his and their Servants, Workmen, and Cattle, at all Times to pass and repass over and across such Part of the said Railway or Tramroad and Branch as shall be made in and upon the said Lands or Grounds respectively, and also along the said Railway or Tramroad and Branch, as far only as the Lands in his, her, or their own Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or obstructing the said Railway or Tramroad and Branch, or the Passage thereof, without Payment of any Toll or Tonnage for the same.

Passage on Railway to be free, on Payment of Tonnage.

CXXIII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Things to or from the said Railway or Tramroad and Branch, and every Part thereof, and also to pass upon and use the said Railway or Tramroad and Branch, with Carts, Waggons, or other Carriages, properly constructed as herein-after mentioned, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums therein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted; provided the said Waggon or other Carriages shall not, without the Licence of the said Company or their General Committee, pass upon their said Railway or Tramroad and Branch at any other Times than between the Hours of Seven of the Clock in the Morning and Six of the Clock in the Evening during the Months of *November*, *December*, *January*, and *February*, and between the Hours of Six of the Clock in the Morning and Eight of the Clock in the Evening during the Months of *March*, *April*, *September*, and *October*, and between the Hours of Five of the Clock in the Morning and Ten of the Clock in the Evening during the Months of *May*, *June*, *July*, and *August*, in every Year.

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

CXXIV. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad or Branch with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, (which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on the said Railway or Tramroad and Branch,) for the collecting of the Rates and Tolls by this Act imposed (except in

crossing, recrossing, or passing along the same for the convenient Occupation of the adjacent Grounds, or passing on any public or private Carriage Road which may happen to cross the said Railway or Tramroad and Branch); and if any Person or Persons whosoever shall pass upon any Part of the said Railway or Tramroad and Branch with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

Limiting the Weights to be carried on the Railway.

CXXV. And be it further enacted, That no Waggon or other Carriage having Four Wheels shall, without the Licence of the said Company, carry at any one Time along or over any Part of the said Railway or Tramroad and Branch (including the Weight of such Waggon or Carriage), more than Four Tons Weight, and no Waggon or other Carriage having Six Wheels shall, without such Licence as aforesaid, carry at any one Time along or over any Part of the said Railway or Tramroad and Branch (including the Weight of such Waggon or Carriage) more than Six Tons Weight.

For fencing the Railway through private Lands.

CXXVI. And be it further 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 or Tramroad and Branch and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad and Branch 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 or Tramroad and Branch and other Works, or any of them, 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 being made to open towards such Lands or Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid, shall extend and apply to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were here repeated and re-enacted with respect to such Fences.

Gates to be shut after passing through them.

CXXVII. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway or Tramroad and Branch shall, and he, she, and they is and are hereby directed and required, as soon as he, she, or they, and the Waggon or other Carriage shall have passed through the same, to shut and fasten the same 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 herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say,) One Moiety or Half Part thereof shall be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish where such Offence shall be committed.

CXXVIII. Pro-

Owners of Lands may make Roads, &c. across the Railway, for their own Use.

CXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners of any Land or Ground lying adjoining or near to the said Railway or Tramroad or Branch, from making any Tramroads, Railways, common Roads, or Watercourses, to, from, or across the said Railway and Tramroad and Branch hereby authorized to be made, and to use such Tramroads, Railways, common Roads, or Watercourses, 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 Tramroads, Railways, common Roads, or Watercourses, do no Injury to and do not prevent the free Passage over and along the said Railway or Tramroad and Branch hereby authorized to be made by the said Company.

Lords of Manors may erect Wharfs on their own Lands.

CXXIX. 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 or Tramroad and Branch, 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 or Tramroad and Branch, 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 or Tramroad and Branch, 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 or Tramroad or Branch; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Staiths, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be of no greater Amount than the Rates or Tolls hereby authorized to 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 Manors, 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 Goods placed on their Wharfs.

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

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 not continue thereupon for a longer Space of Time than Seventy-two 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

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 Seventy-two Hours, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of One Penny *per* Ton for the Wharfage and Sixpence *per* Ton for the warehousing thereof for the next or succeeding Week, and the like Sum of One Penny and Sixpence 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 Quantity than a Week: And it shall be lawful for the said Company from Time to Time 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.

Declaring what shall be a good Service of Notice on the Company.

CXXXI. And be it further enacted, That in all Cases where it may be necessary or requisite for any Summons or Summonses, Notice or Notices, or any Writ or Writs, or other Proceeding or Proceedings at Law or in Equity, to be served upon the said Company, Service thereof respectively upon any one of the Directors, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at his last or usual Place of Abode, or leaving the same or a Copy or Copies thereof at the Principal Office of the said Company, or with any Agent or Officer of 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.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company.

CXXXII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices 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, by a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their

Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums 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 or Sums 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 their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

If Railway is not completed in Six Years, Powers of this Act to cease.

CXXXIII. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad and Branch shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Six Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Six 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 or Tramroad and Branch and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County Palatine of *Lancaster*, assembled at any Quarter Sessions of the Peace to be holden for the said County, at any Time before the Expiration of the said Term of Six Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

If Lessees neglect to pay Rent for Toll Houses, Directors may remove them.

CXXXIV. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons 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 and unpaid for the 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 Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or other Representatives of any Collector who shall die, abscond, or absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Four Days after Demand thereof made in Writing, given or left at such Toll Houses, Weighing Machines, or Buildings, or at any one of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in

the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Three 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 One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*, upon Application made by the said Directors, or any Three or more of them, or by the Treasurer for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any one 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, or any Three or more of them, if they shall see fit, by any Minute to that effect, to be entered in the Book of Proceedings of the said Company, 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 Directors, or any Three or more of them, in every such Case, again to demise or lease to farm the said Tolls and Duties to any other Person or Persons, 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.

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

CXXXV. 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, who is 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, for the Recovery of Penalties.

CXXXVI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace, to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed

to

to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice, and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Recovery and Application of Penalties.

CXXXVII. 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 otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the said County Palatine of *Lancaster*, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath, Affirmation, or Confession, such Justice is hereby authorized to administer or receive); 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 Justice, 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 thereof shall be paid to the Overseers of the Poor of the Parish or Place wherein the Offence shall be committed, to be by them applied for the Use of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County Palatine of *Lancaster*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is 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 any such Justice, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County Palatine of *Lancaster*, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

CXXXVIII. And

Distress not unlawful for Want of Form.

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

For securing transient Offenders.

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

For the Conviction of Offenders.

CXL. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say,)

Form of Conviction.

'to wit. } BE it remembered, That on the Day of in the Year of our Lord
'*A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the
'Peace for the County of [*specifying the Offence, and the*
'*Time and Place when and where the same was committed, as the Case may*
'*be,*] contrary to an Act passed in the Seventh Year of the Reign of
'King *George* the Fourth, intituled [*here set forth the Title of this Act.*]
'Given under my Hand and Seal the Day and Year first above written.'

Allowing an Appeal.

CXLI. And be it further enacted, That any Body or Bodies, Person or Persons, who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Directors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the said County Palatine of *Lancaster*, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature of the Matter thereof, to the Body or Bodies, Person or Persons, against whom such Complaint is intended to be made, or to the Clerk of the said Company, as the Case may

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 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; 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 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.

Proceedings not to be removed by Certiorari.

CXLII. And be it further enacted, That no Proceedings 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 Process 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.

CXLIII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons 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 Fourteen Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three 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 or Place where the Cause of Action shall have arisen, 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 before or after the respective Times so limited for bringing or commencing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such 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 Treble 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.

CXLIV. Pro-

Saving the Rights of the Manchester and Salford Waterworks Company.

CXLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend 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* and *Salford* Waterworks, whether by virtue of the several Acts passed in the Forty-ninth, Fifty-third, and Fifty-sixth Years of the Reign of His late Majesty King *George* the Third, and in the Second and Fourth Years of the Reign of His present Majesty King *George* the Fourth, or otherwise; nor shall this Act extend, or be deemed or construed to extend, to deprive, hinder, or debar the Owners and Occupiers of Land adjoining to *Moston Brook* of or from the free and uninterrupted Use and Enjoyment of the same Brook, save and except as to Water required for the Supply of Steam Engines used on the said Railway and Branch.

Public Act.

CXLV. 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

The SCHEDULE referred to in the foregoing Act.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
	Township of Manchester in the Parish of Manchester.			
1.	Henry Taylor, John Schofield, and Richard Ellison, Esquires, paying Chief or Reserved Rents to Sir Oswald Mosley, Baronet, Henry Taylor, Thomas Turner, Joseph Wild, Barker Bale, Ebenezer Thompson, some or one of them - - -		John Camplin - -	Brick Ground.
1*a*.	Ditto - -		John Camplin and Thomas Winterbotham - - -	Stable and Yards.
1*b*.	A Street, laid out and used as and for a public Street or Road, and called Green Lane.			
1*c*.	William Morris -	- - -	Himself - - -	A Cottage.
1*c*.	Ditto - -	- - -	Ditto - - -	A Cottage and Joiner's Shop.
2.	Egerton Leigh, Esquire - -	The Devisees of the late Thomas Tebbutt - -	The Devisees of the late Thomas Tebbutt - -	Building Ground.
2*a*.	A Street, laid out and used as and for a public Street or Road, and called Moor Street.			
3.	The Trustees of the Estates devised by William Hulme, Esquire - -	David Hewitt, or John Burgess, or Samuel Foster, as Underlessee -	Samuel Foster - -	Building Land.
4.	Henry Taylor, John Schofield, and Richard Ellison, Esquires, paying Chief or Fee Farm Rents to Sir Oswald Mosley, Baronet, Henry Taylor, Thomas Turner, Joseph Wild, Barker Bale, or Ebenezer Thompson - - - -		John Camplin - -	Brick Ground.
5.	Henry Sudell, Esquire	- - -	Joseph Satterfield, Robert Satterfield, and Robert Creswell - -	Ditto.
6.	A Street, laid out and to be used as and for a public Street or Road, and called Livesey Street.			
7.	Henry Sudell, Esquire, or Mrs. Ellen Allen	- - -	Joseph Satterfield, Robert Satterfield, and Robert Creswell - -	Brick Ground.
8.	Trustees of Estates devised by William Hulme, Esquire	John Bridge - -	John Bridge - -	Ditto.
9.	Mr. James Johnson -	- - -	Abraham Lee - -	Ditto.
10.	James Charlton -	William Crippin -	Richard Baguley	A Cottage and Garden and Street.
10*a*.	Ditto - -	John Pickup -	Francis Henderson -	Ditto.
10*b*.	Ditto - -	Mr. Chadwick -	Patrick Hanlon -	Ditto.
10*c*.	Ditto - -	Ellis Crompton -	Robert Greenhalgh -	Ditto.
10*d*.	Ditto - -	William Edge -	Thomas Pearson -	Ditto.
10*e*.	James Johnson -	Thomas Winkley -	Samuel Boardman -	Ditto.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
10*f*.	Joseph Cooke - -	Joseph Cooke -	Robert Finn - -	A Cottage and Garden and Street.
11.	The Trustees of the late Thomas Bury	William Bury -	John Ball - -	Ditto.
11*a*.	Ditto - -	William Briddon -	George Morris - -	Ditto.
11*b*.	Ditto - -	Richard Haslam -	William Earnshaw -	Ditto.
11*c*.	Ditto - -	Ditto - -	Late Sarah Hoole -	Ditto.
11*d*.	Ditto - -	John Lindsay -	Francis Morrow -	Ditto.
11*e*.	James Charlton -	The Trustees of the late Thomas Bury	John Jones - -	Ditto.
11*f*.	Ditto. - -	Jacob Ogden, or John Royle -	John Monks - -	A Cottage and Garden and Street.
12.	A public Street called Cropper Street.			
13.	—	—	—	—
14.	Devisees of the late Thomas Bury -	- - -	- - -	Brick Ground.
15.	Samuel Cheetham and George Backhouse		- - -	An open Field, intended for Building Ground.
16.	Charles Ryder - -	- - -	Charles Ryder - -	Ditto.
17.	Ditto - -	- - -	Thomas Barnes and Brother - -	Mill Dam, &c.

Township of Newton in the Parish of Manchester.

20.	Warden and Fellows of the Collegiate Church of Christ in Manchester	George Gardner -	- - -	A Road and Waste, called Lamb Lane.
27.	Ditto -	Mary Houghton and Sarah Yates	David and Thomas Waddington -	A Garden.
27*a*.	Ditto - -	Hannah Walton -	James Kenzett -	Ditto.
28.	Ditto - -	Ditto - -	Joseph Carter - -	Ditto.
30.	- - -	- - -	- - -	A Road.
40.	John Thorp - -	John Allen - -	Thomas Ireland -	Road to Works.
49.	- - -	- - -	- - -	An Occupation Road, called Dean Lane.

Township of Failsworth in the Parish of Manchester.

57.	- - -	- - -	- - -	Mill Lane.
59.	George Hadfield, Esquire - - -	- - -	John Richardson -	A Garden.
	- - -	- - -	- - -	An Occupation Road.
60.	George Hadfield, Esquire - - -	- - -	George Hadfield -	Plantation.
61.	Ditto - -	- - -	Ditto - -	Ditto.
63.	Coheirs of Green -	Richard Worswick	Charles Howard -	Cottage and Garden.
68.	- - -	- - -	- - -	An Occupation Road.
69.	- - -	- - -	- - -	Ditto.
74.	- - -	- - -		
78.	Company of Proprietors of the Rochdale Canal - -	- - -	Company of Proprietors of the Rochdale Canal - -	Canal and Towing Path.
81.	James Clegg -	- - -	Robert Whitworth -	Garden.
81*a*.	George & James Smith	John Ogden - -	John Ogden - -	Ditto.
81*b*.	Ditto - -	Ditto - -	Jonathan Booth -	Yard and Pigcote.
82.	Ditto - -	- - -	John Newton - -	Ditto.
83.	Trustees of the Manchester and Austerlands Turnpike Road - -	- - -	- - -	Turnpike Road.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
97.	Company of Proprietors of the Manchester, Ashton-under-Lyne, and Oldham Canal -	- - -	- - -	Canal and Towing Path.
100.	- - -	- - -	- - -	An Occupation Road.
101.	James Gee - -	- - -	Joseph Smethurst -	A Garden.
	Township of Oldham in the Parish of Prestwich, otherwise Prestwich-cum-Oldham.			
110.	- - -	- - -	- - -	An Occupation Road called Lime Lane.
	Hamlet of Woodpark in the Parish of Ashton.			
125.	The Earl of Stamford and Warrington -	- - -	John Bancroft - -	Cow Lane.
127.	Ditto - -	- - -	Messrs. Lees, Jones, and Booth - -	A Coalpit Bank.
130.	Ditto - -	- - -	Ditto - -	Ditto.
133.	Ditto - -	- - -	Ditto - -	A Coalpit Road.
	Township of Oldham in the Parish of Prestwich, otherwise Prestwich-cum-Oldham.			
144.	- - -	- - -	- - -	A Road and Public Highway.
146.	Trustees of the Manchester and Austerlands Turnpike Road - -	- - -	- - -	Turnpike Road from Oldham to Ashton.
155.	James Bailey - -	- - -	James Bailey - -	Coalpit.
155*a*.	John Lees, Esq. -	- - -	Simeon Marsden -	A Croft.
155*b*.	Ditto - -	- - -	Ditto - -	A Watering-place.
155*c*.	Ditto - -	- - -	Ditto - -	A Garden.
158.	- - -	- - -	- - -	Honeywell Lane.
172.	The Reverend Edmund Ratcliffe -	- - -	The Reverend Edmund Ratcliffe -	Plantation.
176*a*.	- - -	- - -	- - -	A Road.
178.	Joseph Jones senior -	- - -	Joseph Jones senior -	Plantation.
184.	The Oldham Gas Light and Water-works Company -	- - -	William Steeple -	Site of the Gas Works.
187.	- - -	- - -	- - -	An Occupation Road.
196.	The Representatives of the late James Rothwell - -	Abraham Clegg -	Joseph Jones, junior -	Garden.

BRANCH.

Township of Failsworth in the Parish of Manchester.

8.	- - -	- - -	- - -	An Occupation Road.
	Township of Chadderton in the Parish of Prestwich, otherwise Prestwich-cum-Oldham.			
19.	- - -	- - -	- - -	An Occupation Road.
21.	Joshua Kay Robinson	- - -	Messrs. Crowther and Halliwell -	Mill Dam, &c.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
25.	- - -	- - -	- - -	Turf Lane.
27.	The Rev. John Hulme, as Incumbent of the Perpetual Curacy of Hollinwood	- - -	William Wright -	A Garden.
36.	- - -	- - -	- - -	Thomson Lane.
42.	- - -	- - -	- - -	Denton Lane.
49*a*.	- - -	- - -	- - -	Road to Bank Mill.
60.	John Buckley - -	- - -	William Beswick -	Garden.
61.	Ditto - -	- - -	William Ward -	Ditto.
62.	Ditto - -	- - -	James Walker -	Ditto.
63.	John Sharples - -	John Smethurst -	William Beswick -	Ditto.
64.	Ditto - -	Ditto - -	William Ward and Edward Garside -	Ditto.
65.	- - -	- - -	- - -	Road.
67.	- - -	- - -	- - -	Road to Cowhill.
68.	John Buckley - -	John Buckley of Cowhill -	John Beswick -	A Garden.
69.	Ditto - -	Ditto -	Edward Garside -	Ditto.
70.	John Sharples - -	- - -	Jesse Tetlow - -	Ditto.
78.	The Trustees of Hollinwood and Featherstall Turnpike Road - -	- - -	- - -	Road from Oldham to Middleton.
	Township of Oldham in the Parish of Prestwich, otherwise Prestwich-cum-Oldham.			
84.	- - -	- - -	- - -	Jimmy Lane.
88.	- - -	- - -	- - -	Busk Lane.
92.	Thomas Whittaker -	- - -	Thomas Townend -	A Garden.
93.	Ditto - -	- - -	Jonathan Cocker & Edmund Whitehead	Ditto.
94.	- - -	- - -	- - -	A Road.
95*a*.	Abraham Clegg junior	Mary Royle -	Herself - -	Two Cottages.
96.	- - -	- - -	- - -	Burnley Lane.
107.	James Lees, Esquire -	- - -	Thomas Robinson -	Garden.
108.	- - -	- - -	- - -	A Road.
	Township of Royton in the Parish of Prestwich, otherwise Prestwich-cum-Oldham.			
120.	Trustees of the Manchester and Austerlands Turnpike Road - -	- - -	- - -	Road, Oldham to Royton.
122*a*.	Hannah Gibson -	- - -	Thomas Acton -	A Cottage.
122*b*.	Ditto - -	- - -	Thomas Newton -	Ditto.

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