



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccclxxviii.

An Act to incorporate the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway* with the *Manchester and Leeds Railway Company*. [18th August 1846.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to Bolton and to Bury to make and maintain a Railway from Manchester to Bolton and to Bury in the County Palatine of Lancaster, upon or near the Line of the said Canal Navigation, and to make and maintain a collateral Branch to communicate therewith,* by which Act certain Persons were incorporated under the Name of the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway*, and the said Canal and Navigation, and the Works thereof, were vested in the said Company for the Purposes expressed in the said Act, and they were empowered to make and maintain the said Railway and collateral Branch: And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway to alter some Parts of the said Canal* [Local.] 1 & 2 W. 4
c. 60.

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Navigation, 2 & 3 W. 4.
c. 69.

5 & 6 W. 4.
c. 30.1 & 2 Vict.
c. 25.

Navigation, to alter and amend the Line of the said Railway, and to make further collateral Branches thereto, and for amending the Powers and Provisions of the Act relating to the said Canal and Railway: And whereas another Act was passed in the Session of Parliament held in the Fifth Year of the Reign of His said late Majesty, intituled An Act to amend the Acts relating to the Manchester, Bolton, and Bury Canal Navigation and Railway, and to make a Branch Railway to Bolton: And whereas another Act was passed in the Session of Parliament held in the First Year of Her present Majesty's Reign, intituled An Act for enabling the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway to raise more Money, and for amending the Powers and Provisions of the several Acts relating thereto: And whereas, under the Provisions of the said Acts or some of them, the Capital of the said Company of Proprietors is divided into Six thousand two hundred and one Shares, on each of which Calls to the Amount of Ninety-three Pounds have been made: And whereas the said Company of Proprietors have introduced into Parliament, in the present Session, Bills for enabling them to make certain Extensions of their said Railway, and to increase their Capital: And whereas, by the Manchester and Leeds Railway Act, 1836, the Manchester and Leeds Railway Company were incorporated with Power to make a Railway from Manchester to Leeds, to be called "The Manchester and Leeds Railway," which they have since constructed: And whereas by the Manchester and Leeds Railway Act, 1837, the Manchester and Leeds Railway Act, 1839, the Manchester and Leeds Railway Act, 1844, the Manchester and Leeds Railway Act, No. 2, 1845, the Ashton, Stalybridge, and Liverpool Junction Railway Act, 1844, and the Ashton, Stalybridge, and Liverpool Junction Railway Act, 1845, the said Manchester and Leeds Company were empowered to alter the Line of their Railway, and to make or acquire certain Branches and Extensions thereof; and by the same several Acts, and the Manchester and Leeds Railway Act, 1841, and the Manchester and Leeds Railway Act, No. 1, 1845, the Powers of the same Company were in other respects extended and enlarged or altered: And whereas it is considered that the Manchester, Bolton, and Bury Canal Navigation and Railway might be worked with greater Economy and Advantage, and Convenience to the Public, if the same were managed in conjunction with the Manchester and Leeds Railway; and the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway, and the Manchester and Leeds Railway Company, are respectively willing that Arrangements should be made for vesting in the Manchester and Leeds Railway Company, upon certain Conditions, the Manchester, Bolton, and Bury Canal Navigation and Railway, with the Works and Conveniences thereof, and all the Property and Effects of the said Company of Proprietors, and that the said Company of Proprietors should be incorporated with the Manchester and Leeds Railway Company upon the Terms and Conditions herein-after expressed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of One Calendar Month next after the Termination of the present Session of

Parliament

The Manchester,
Bolton, and

Parliament the *Manchester, Bolton, and Bury* Canal Navigation and Railway, and all the Lands, Monies, Goods and Chattels, and all other the Real and Personal Estate and Effects of the said Company of Proprietors, and all the Estate, Right, Title, and Interest of the said Company of Proprietors in their said Undertakings, and all the Rights, Privileges, Powers, and Authorities affecting or appurtenant to the same respectively by the recited Acts relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway, or any of them, or by any other Act or Acts heretofore passed or which have been or may be passed in the present Session of Parliament, given to or vested in the said Company of Proprietors, shall (subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances of the said Company of Proprietors) be and be held to be and the same are hereby vested in the *Manchester and Leeds* Railway Company, and may be lawfully executed, completed, held, used, and exercised by and in the Name of the *Manchester and Leeds* Railway Company, in the same Manner and to the same Extent as the said Company of Proprietors could have executed, completed, held, used, and enjoyed the same if this Act had not been passed, save only so far as the Use, Exercise, and Enjoyment of such Undertakings, Rights, Powers, Authorities, and Privileges may be inconsistent with the Provisions and Purposes of this Act, or any of them.

Bury Canal Navigation and Railway. &c. vested in the Manchester and Leeds Railway Company.

II. And be it enacted, That from and after the Period aforesaid all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in the recited Acts relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway Company, or in any other Act or Acts relating thereto heretofore passed or which have been or may be passed in the present Session of Parliament, shall (with reference to such Works, Matters, and Things as have been or might have been made or done thereunder by the said Company of Proprietors in relation to their said Undertakings, or otherwise if this Act had not been passed, and save only so far as the same or any of them are inconsistent with the Provisions and Purposes of or are by this Act expressly repealed or altered, and subject to the Provisions herein-after contained,) be executed, done, performed, and observed by, and be applied and applicable to, the *Manchester and Leeds* Railway Company, their Directors, Officers, Agents, and Servants, in every respect and as fully and effectually to all Intents and Purposes as if the Name of the *Manchester and Leeds* Railway Company had in every Case been written or inserted in such Acts respectively instead of the Name of the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway.

Powers, &c. of Manchester, Bolton, and Bury Canal Navigation and Railway Company extended to Manchester and Leeds Railway Company.

III. And be it enacted, That (subject to the Provisions in this Act contained) from and after the Period aforesaid, all Debts due from or to the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway shall be payable and paid, together with all Interest, if any, due or to accrue due thereon, by or to the *Manchester and Leeds* Railway Company, and all Rates, Tolls, Duties, and Monies which are or shall be or become, or which if this Act had

Debts, &c. of Manchester, &c. Canal Navigation and Railway Company transferred to Manchester and Leeds Railway Company.

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not passed would be or become due and payable under and by virtue of any Act or Acts relating to the *Manchester, Bolton, and Bury Canal Navigation and Railway*, or otherwise, from or to the said Company of Proprietors, shall be due and payable from or to the *Manchester and Leeds Railway Company*, and shall and may be recovered from and by the *Manchester and Leeds Railway Company* by the same Ways and Means, with the same Restrictions and Regulations, and with the same Penalties in regard thereto respectively, as the same would or might have been due and payable to or from or recoverable from or by the said Company of Proprietors, in case this Act had not been passed.

Effect of
Convey-
ances, &c.
of or to
Manchester,
Bolton, and
Bury Canal
Navigation
and Railway
Company.

IV. And be it enacted, That all Conveyances, Contracts, Agreements, Obligations, Liabilities, Mortgages, Bonds, Covenants, and Securities, except a certain Contract or Deed of Covenant bearing Date the Seventh Day of *March* One thousand eight hundred and forty-three, and made between the Company of Proprietors of the *Mersey and Irwell Navigation* of the one Part, and the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway* of the other Part, and also a certain other Contract or Deed of Covenant, bearing Date the Twenty-second Day of *February* One thousand eight hundred and forty-six, and made between the same Parties, which shall have been made or entered into before the Period aforesaid to, with, by, or for the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway* shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for or against or with reference to the *Manchester and Leeds Railway Company*, to all Intents and Purposes, as if the last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein instead of the said Company of Proprietors.

Rights of
Action by
or against
the former
Company to
be valid for
or against
Manchester
and Leeds
Company.

V. And be it enacted, That all Injuries, Misfeasances, Nonfeasances, and other Rights of Action which, before the Period aforesaid, shall have been done or committed, or omitted to be done, or accrued by, to, or for or against the said Company of Proprietors, shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for or against the *Manchester and Leeds Railway Company*, to all Intents and Purposes, as if the same had been done or committed, or omitted to be done, or had accrued by, to, for, or against the last-mentioned Company.

Acts of
Manchester,
&c. Canal
Navigation
and Railway
Company
binding on
the Man-
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Leeds Rail-
way Com-
pany.

VI. And be it enacted, That every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, Act, Matter, or Thing whatsoever, which, before the Period aforesaid, shall have been made, done, executed, granted, incurred, obtained, omitted, transacted, commenced, or instituted under or by virtue or in pursuance of any Act or Acts relating to the *Manchester, Bolton, and Bury Canal Navigation and Railway*, or any of such Acts, or otherwise, by, for, on behalf of, against, or in respect of the said Company of Proprietors, shall (subject to the Provisions in this Act contained) be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all

all Intentſ and Purpoſes whatever, to, for, or againſt the *Manchester and Leeds* Railway Company, as they reſpectively were immediately before the Period aforeſaid with reference to the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway, and ſhall and may (ſubject as aforeſaid) be executed, done, performed, continued, completed, and terminated by, for, or againſt or with reference to the *Manchester and Leeds* Railway Company, under and ſubject to the Proviſions and Regulations of the ſaid Acts relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway, or any of ſuch Acts, as fully and effectually as the ſame could or might have been done by and in the Name of the ſaid Company of Proprietors, if this Act had not been paſſed.

VII. Provided always, and be it enacted, That all Works which under the Proviſions of any Act or Acts relating to or affecting the ſaid Company of Proprietors, or the *Manchester and Leeds* Railway Company, the ſame Companies reſpectively, or either of them, are authorized or required to execute or complete, and which ſhall not have been executed or completed before the Period aforeſaid, may be executed or completed, as the Caſe may be, by the *Manchester and Leeds* Railway Company, and the ſame Company ſhall have full Power to pay for the ſame out of the Monies placed at their Diſpoſal by this Act, or otherwiſe, and ſhall have and be entitled to all ſuch Powers for executing and completing ſuch Works and be ſubject to ſuch Reſtrictions as the ſaid Companies reſpectively were entitled to under the ſaid Acts or any of them, and as fully as if the *Manchester and Leeds* Railway Company had been originally authorized and required to execute and complete the ſame Works inſtead of the Company actually authorized and required to execute and complete the ſame: Provided nevertheleſs, that where any particular Time is by the ſame Acts, or any of them, limited for the Execution or completing of ſuch Works, the ſame ſhall and may be ſo executed and completed within the Period ſo limited.

Works commenced to be completed.

VIII. Provided alſo, and be it enacted, That in all Caſes in which either of the ſaid Companies previously to the Period aforeſaid ſhall, under the Powers or Proviſions of any of the Acts aforeſaid, have entered into any Contracts for the Purchase of or ſhall have taken or uſed any Land which before the Period aforeſaid ſhall not have been effectually conveyed to ſuch Company, or the Purchase Money in reſpect of which ſhall not have been duly paid by ſuch Company, or ſhall have entered into any other Contract or Agreement, then and in every ſuch Caſe ſuch Contracts or Agreements ſhall be completed, and ſuch Land ſhall be conveyed to the *Manchester and Leeds* Railway Company, or as ſuch Company ſhall direct, and ſuch Purchase Money or other Money ſo agreed to be paid ſhall be paid out of any Money placed at the Diſpoſal of the *Manchester and Leeds* Railway Company by this Act or otherwiſe, and all Clauſes, Proviſions, Powers, and Authorities contained in ſuch Act or Acts in relation to the Completion of ſuch Contracts, and the Purchase and Conveyance of ſuch Land, and the Payment and Application of ſuch Purchase Money in reſpect thereof, and in relation to other Matters of Agreement, ſhall for the Purpoſes of this Act remain in full Force, and

Contracts of each Company to be completed.

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shall

shall be construed and taken as if the *Manchester and Leeds* Railway Company were named in such Act or Acts and Contracts or Agreements respectively instead of the Company which shall have entered into such Contracts, or taken or used such Land, or otherwise have been affected by such Agreements.

Application
of certain
Monies pay-
able under
recited Acts.

IX. Provided also, and be it enacted, That in all Cases in which, under the Provisions of any of the recited Acts, any Sum of Money has before the Period aforesaid been paid by either of the said Companies, or shall hereafter be paid by them, or either of them, into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same shall be invested, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been or shall be so paid into the Bank of *England*, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to such Money, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the *Manchester and Leeds* Railway Company were named in such Act or Acts instead of the Company to which such Act or Acts relate.

Capital of
Company of
Proprietors
to be Capital
of the *Man-
chester and
Leeds Rail-
way Com-
pany*, and
Receipts to
be deemed
Receipts of
the same.

X. And be it enacted, That from and after the Period aforesaid the present and future Capital of the said Company of Proprietors shall be and is hereby declared to be Part of the Capital of the *Manchester and Leeds* Railway Company, and the Capital hereby vested in that Company shall thenceforth be subject to all the Provisions respecting Capital contained in the Acts of Parliament relating to the *Manchester and Leeds* Railway Company, and the several Proprietors of the Shares hereby created shall (subject to the Provisions of this Act) have all the Privileges, Rights, and Powers which by the said Acts are vested in the Proprietors of Shares in the *Manchester and Leeds* Railway Company, and shall be subject to all the Provisions to which by the said Acts the Proprietors of Shares in the *Manchester and Leeds* Railway Company are or shall be subject, and the Receipts from the Traffic and Business of the *Manchester and Leeds* Railway, and all Works connected and to be connected therewith, and from other Sources of Income, and from the Traffic and Business of the *Manchester, Bolton, and Bury* Canal Navigation and Railway, and all Railways and Branch Railways made or to be made under the Authority of any Act or Acts relating to the said Company of Proprietors, and all Works connected therewith, and from other Sources of Income, shall be deemed Receipts on the Account of the *Manchester and Leeds* Railway Company, and all the Costs, Charges, and Expences which, if this Act had not been passed, would be payable out of the Capital of either of the said Companies, shall be paid out of the Capital of the *Manchester and Leeds* Railway Company, and all the Costs, Charges, and Expences which, if this Act had not been passed, would be payable out of the Receipts from Traffic or other Income of either of the said Companies, shall be paid out of the

Receipts which are hereby declared to be Receipts on account of the *Manchester and Leeds* Railway Company.

XI. And be it enacted, That from and after the Period aforesaid the Debt of the said Company of Proprietors due on Mortgage or Bond or otherwise shall be deemed and is hereby declared to be Part of the Debt of the *Manchester and Leeds* Railway Company, and subject to all the Provisions respecting Debt contained in the Acts relating to that Company: Provided always, that nothing herein contained shall give to the Holder of any such Mortgage, Bond, or any other Security any Priority or Security which he would not have been entitled to if this Act had not been passed.

Debts of Company of Proprietors to be the Debts of *Manchester and Leeds* Railway Company.

XII. And be it enacted, That the *Manchester and Leeds* Railway Company may lawfully demand and receive in respect of the Use of the said Railways any Rates, Tolls, and Charges not exceeding the Rates, Tolls, and Charges following; that is to say,

Maximum Tolls on Railway:

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence *per* Mile:

For Passengers.

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of Three Farthings *per* Mile:

And with respect to Horses, Cattle, Carriages, and Goods, as follows:

For Cattle, Goods, &c.

For every Horse, Mule, and other Beast of Draught or Burden, Two-pence *per* Mile:

For Cattle, the Sum of One Penny *per* Head *per* Mile:

For Calves and Pigs, Sheep and small Animals, One Halfpenny each *per* Mile:

For every Carriage, Three-pence *per* Mile:

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Pig and Bar Iron, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, and Salt, the Sum of One Penny *per* Ton *per* Mile:

For all Coal, Slack, Cannel, Coke, Culm, and Cinders passing any Distance not exceeding Fifty Miles, the Sum of Three Farthings *per* Ton *per* Mile; and if passing a Distance exceeding Fifty Miles, Five Eighths of a Penny *per* Ton *per* Mile for the whole Distance travelled:

For Sheet Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, One Penny Halfpenny *per* Ton *per* Mile:

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, Deals, Metals, Nails, Anvils, Vices, and Chains, the Sum of Two-pence *per* Ton *per* Mile:

For Cotton and other Wools, Drugs, and manufactured Goods, the Sum of Three-pence Halfpenny *per* Ton *per* Mile:

For

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, the Sum of Three-pence *per Ton per Mile* :

Provided always, that with respect to all the Matters aforesaid passed over the Railway for a less Distance than Six Miles, the Company may demand Tolls as for Six Miles; and with respect to Coal, Slack, Cannel, Coke, Culm, and Cinders passing any Distance exceeding Fifty Miles, the Company may demand to receive Tolls as for Fifty Miles, at the Rate of Three Farthings *per Ton per Mile* at the least.

Maximum
Rates of
Charges :

XIII. And be it enacted, That the maximum Rate of Charge to be made by the *Manchester and Leeds* Railway Company for the Conveyance of Passengers along the said Railways, including the Tolls for the Use of the Railways and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums, which the said Company are hereby empowered to demand and receive; that is to say,

For Pas-
sengers.

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence Halfpenny *per Mile* :

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of Two-pence *per Mile* :

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per Mile* :

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per Mile*.

For Cattle
and Goods.

And with respect to the Conveyance of Goods, the maximum Rates of Charge to be made by the *Manchester and Leeds* Railway Company for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expence incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums, which the said Company are hereby empowered to demand and receive; that is to say,

For every Horse, Mule, and other Beast of Draught or Burden, Three-pence *per Mile* :

For Horned Cattle, the Sum of Two-pence *per Head per Mile* :

For Calves and Pigs, One Penny each *per Mile* :

For Sheep and small Animals, Three Farthings each *per Mile* :

For every Carriage, Four-pence *per Mile* :

For all Coal, Cannel, Culm, Coke, and Cinders conveyed any Distance not exceeding Fifty Miles, the Sum of One Penny and One Eighth *per Ton per Mile*; and if conveyed for any Distance exceeding Fifty Miles, Seven Eighths of a Penny *per Ton per Mile* for the whole Distance travelled :

For all Slack conveyed any Distance not exceeding Fifty Miles, One Penny *per Ton per Mile*; and if conveyed any Distance exceeding

exceeding Fifty Miles, Seven Eighths of a Penny *per Ton per Mile* for the whole Distance travelled :

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Stone for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, the Sum of One Penny Halfpenny *per Ton per Mile*, if conveyed for a Distance not exceeding Fifteen Miles ; and the Sum of One Penny and One Eighth *per Ton per Mile* if conveyed a Distance exceeding Fifteen Miles :

For Iron not damageable, One Penny *per Ton per Mile*, if conveyed for a Distance of Fifty Miles or upwards ; but if for any less Distance than Fifty Miles, One Penny Farthing *per Ton per Mile* :

For damageable Iron, Sheet Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, One Penny Halfpenny *per Ton per Mile*, if conveyed for a Distance of Fifty Miles or upwards ; but if for any less Distance than Fifty Miles, Two-pence *per Ton per Mile* :

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, Deals, Metals, Hardware in Packages or Cases, Nails, Anvils, Vices, and Chains, the Sum of Two-pence Halfpenny *per Ton per Mile*, if conveyed for a less Distance than Fifty Miles ; and the Sum of Two-pence *per Ton per Mile*, if conveyed Fifty Miles or upwards :

For Cotton and other Wools and manufactured Goods, the Sum of Three-pence *per Ton per Mile*, if conveyed a less Distance than Fifty Miles ; and the Sum of Two-pence Halfpenny *per Ton per Mile*, if conveyed a Distance of Fifty Miles or upwards :

For Fish, Feathers, Canes, Cochineal, Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, if conveyed for a less Distance than Fifty Miles, Three-pence Halfpenny *per Ton per Mile* ; and if conveyed for the Distance of Fifty Miles or upwards, the Sum of Three-pence *per Ton per Mile*.

And the following Regulations shall apply to such maximum Rates and Charges : Regulations as to Tolls.

The *Manchester and Leeds* Railway Company shall be at liberty to fix a minimum Charge of Ten Shillings to be taken for each Carriage, and of Five Shillings for every Horse, conveyed upon the Railways, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed according to the Rates aforesaid may not amount to those Sums :

The *Manchester and Leeds* Railway Company shall not be compellable to provide Waggons or Carriages for the Conveyance of Coal, Cannel, Slack, Culm, Coke, or Cinders, but where such Waggons or Carriages are not provided by the said Company a Deduction of One Eighth of a Penny *per Ton per Mile* shall be made from the above Rates of Carriage for as many Miles as the said Company shall charge the said Rates ; but where any of the before-mentioned Articles, Matters, Persons, or Things shall be conveyed on the said Railways for a less Distance than Six

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Miles

Miles the said Company are hereby empowered to demand and receive the aforesaid Charges, Rates, or Tolls (as the Case may be) for Six Miles; and that where any such Articles, Matters, or Things shall be carried a Distance exceeding Fifty Miles the said Company are hereby empowered to demand and receive Rates, Tolls, or Charges as for Fifty Miles, after the respective Rates herein-before prescribed for less Distances than Fifty Miles:

Where a Waggon for the Conveyance of Cattle or Sheep shall be conveyed by One Party, the Charge for any such Waggon capable of containing Six Oxen or Twenty-five Sheep shall not exceed Sixpence *per* Mile:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the *Manchester and Leeds* Railway Company may demand Tolls on Merchandize, Articles, Matters, or Things for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect to Passengers every Portion of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the said *Manchester and Leeds* Railway Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

And with respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XIV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the said *Manchester and Leeds* Railway Company may lawfully demand the Tolls following; that is to say,

For the Carriage of small Parcels, that is to say, any Parcels not exceeding Five hundred Pounds Weight, the said Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons; but shall not exceed Eight Tons, the said Company may demand such Sum as they think fit, not exceeding Eight-pence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the said Company may demand such Sum as they think fit.

XV. Pro-

XV. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains that may be required upon the said Railways, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railways.

Restriction as to Charges not to extend to Special Trains.

XVI. And be it enacted, That the maximum Tolls to be charged by the said *Manchester and Leeds* Railway Company for and in respect of any Boats, Barges, and other Vessels navigating the said Canal, shall not exceed the following Sums; that is to say,

Maximum Rates of Charge on Canal.

For Coal, Cannel, Coke, Culm, and Cinders, the Sum of Three Farthings *per Ton per Mile* :

For Slack, Five Eighths of a Penny *per Ton per Mile* :

Provided always, that with respect to Coals, Cannel, Coke, Culm, Cinders, and Slack conveyed upon the said Canal for any Distance less than Two Miles, the said Company may demand as for Tolls Three Halfpence *per Ton* at the least, and an additional Sum of Two-pence Halfpenny *per Ton* in case the same shall pass through a Lock :

For Lime or Limestone, Clay, Bricks, Stones, or other Minerals, the Sum of One Penny *per Ton per Mile* :

For Timber, Goods, Wares, Merchandize, or other Commodities, the Sum of Two-pence *per Ton per Mile* :

Provided always, that with respect to Lime, Limestone, Clay, Bricks, Stones or other Minerals, Timber, Goods, Wares, Merchandize, or other Commodities conveyed upon the said Canal any Distance less than Two Miles the said Company may demand for Tolls as for Two Miles, with an additional Sum of Two-pence Halfpenny *per Ton* in case the same shall pass through a Lock.

XVII. And be it enacted, That in estimating the Tolls by this Act authorized to be taken for short Distances and for fractional Parts of a Mile, the same shall, with reference to Passengers, Cattle, Articles, Matters, and Things conveyed as well upon the one as the other of the said Railways, be calculated and imposed in such Manner as if the said Two Railways formed One Line of Railway.

Mode of estimating Tolls where Traffic common to the Two Lines.

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

Companies to provide locomotive Power.

XIX. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said *Manchester and Leeds* Railway Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof

Company may take increased Charges by Agreement.

by

by Passenger or other Trains, or by reason of any other special Service performed by the said Company in relation thereto, and also any Sum by way of Pontage, Toll, or otherwise which may be authorized by any Act of Parliament already passed or to be passed in the present Session of Parliament, in consideration of the Construction of any Bridge or other important Work, which under or by virtue of any such other Act and this Act, or either of them, will or may hereafter devolve upon or belong to the said Company.

Passengers
Luggage.

XX. And be it enacted, That every Passenger travelling upon the Railways in a First-class Carriage may take with him his ordinary Luggage not exceeding One hundred and twelve Pounds in Weight, and every Person travelling in a Second-class Carriage may take with him his ordinary Luggage not exceeding Sixty Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage not exceeding Forty Pounds in Weight, without any Charge being made for the Carriage thereof.

The Man-
chester and
Leeds Rail-
way Com-
pany not to
be exempt
from certain
Rates, &c.
on the Rivers
Mersey and
Irwell.

XXI. Provided always, and be it enacted, That nothing in this Act, or in any of the recited Acts, or in any other Act or Acts, respectively contained, shall be henceforth construed or deemed or taken to exempt or release, except as to Coal, Cannel, Slack, Coke, Culm, and Cinders, the said *Manchester and Leeds* Railway Company, or any Person, Company, or Corporation navigating the said *Manchester, Bolton, and Bury* Canal, or using the said *Manchester, Bolton, and Bury* Railway, from the Payment of any Rates, Tolls, Wharfages, or other Charges in respect of the Use or Navigation of the Rivers *Mersey* and *Irwell*, or either of them, or the Banks or Wharfs thereof, or any Part or Parts thereof, or to afford to the said *Manchester and Leeds* Railway Company, or any Person, Company, or Corporation navigating the said *Manchester, Bolton, and Bury* Canal or using the said Railway, any Rights, Privileges, or Advantages, except as to Coal, Slack, Cannel, Coke, Culm, and Cinders, in, over, or upon the said *Mersey* and *Irwell* Navigation which are not afforded to other Persons, Companies, or Corporations not navigating the said Canal or using the said Railway, but that the said Railway Company, Persons, and Corporations respectively shall henceforth be chargeable with and liable to pay the same Rates, Tolls, Wharfages, and other Charges in respect of the Use of the said Rivers respectively, and the Wharfs thereof, as any other Company, Corporation, or Person using or navigating the same, except as to Coal, Cannel, Slack, Coke, Culm, and Cinders.

Certain Pri-
vileges of the
Company of
Proprietors
of the Mer-
sey and
Irwell Na-
vigation
repealed.

XXII. And whereas by the said recited Act passed in the First and Second Years of the Reign of His late Majesty *William* the Fourth it was enacted, that it should be lawful for the said Company of Proprietors of the Rivers *Mersey* and *Irwell* Navigation, for the supporting and repairing of the Locks and Weirs, and for the Foundation of Warehouses within the Waterway of the same Rivers, and for supporting and repairing the Banks of the said Rivers *Mersey* and *Irwell*, and for no other Purpose whatsoever, to carry and convey upon the said Canal and the intended Railway Stone from any
Quarry

Quarry upon the said Canal and intended Railway to the said old River, free from and without being liable to pay any Rate, Duty, or Tonnage for the same: And whereas it is expedient that the said Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

XXIII. And be it enacted, That as soon as conveniently may be, and within Two Months after the Commencement of this Act, the *Manchester and Leeds* Railway Company shall create Six thousand two hundred and one new Shares of One hundred Pounds each, and every Person or Corporation who at the Time of the Creation thereof shall be the Proprietor of Shares in the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway shall be entitled to one of such new Shares in the Capital of the *Manchester and Leeds* Railway Company, in respect and in lieu of every original Share to which such Person or Corporation shall be then entitled in the Capital of the said Company of Proprietors; and every Person or Corporation in whom any One or more of the said new One hundred Pound Shares in the *Manchester and Leeds* Railway Company is or are hereby vested, shall stand and be possessed of every such Share upon the same Trusts and for the same Purposes, and with and under the same Powers and Provisions respectively (subject nevertheless to the Provisions of this and the said recited Acts relating to the *Manchester and Leeds* Railway Company), as the Shares in the said Company of Proprietors in lieu of which the new Shares in the Capital of the *Manchester and Leeds* Railway Company are hereby given as aforesaid were, at the Time of the Creation of the said last-mentioned Shares, held upon and subject or liable to, and so as to give Effect to and not to revoke any Will or other testamentary Disposition, Contract, Trust, or Agreement made previous to the Day aforesaid.

Proprietors of Shares in the *Manchester, &c.* Railway Company to be entitled to Shares in the *Manchester and Leeds* Railway Company, to be held on the same Trusts.

XXIV. And be it enacted, That no further Calls shall be made in respect of the new Hundred Pound Shares created by virtue of this Act until the existing One hundred Pound Shares of the *Manchester and Leeds* Railway Company shall have been called up to Ninety-three Pounds, and afterwards Calls in respect of the existing and new One hundred Pound Shares shall be made uniformly and simultaneously until the full Amount thereof respectively shall be called up.

Regulating Calls on new Shares.

XXV. And whereas, by virtue and under the Powers of the said recited Acts relating to the *Manchester and Leeds* Railway, or some of them, the *Manchester and Leeds* Railway Company have created an additional Capital of Two millions and seventy-one thousand three hundred Pounds, in Shares of Twenty Pounds each, under the Denomination of Fifth-Shares, taking Dividends from the First Day of *January* One thousand eight hundred and forty-six; be it enacted, That at the Time of the Creation of the said new One hundred Pound Shares the *Manchester and Leeds* Railway Company shall create Twenty-three thousand two hundred and fifty-four new Shares of Twenty Pounds each (in addition to the other Shares which by

Manchester and Leeds Railway Company to create a certain Number of new 20*l.* Shares.

[Local.]

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this

this Act they are authorized to raise); and such new Shares, when so created, shall be distributed amongst and shall vest in the several Persons and Corporations who on the Twenty-first Day of *October* last were the registered Proprietors of Shares in the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway, in proportion as nearly as may be to the Number of such Shares held by such Persons or Corporations respectively; provided that the said *Manchester and Leeds* Railway Company shall not be required to allot to any such Person or Corporation any fractional Part of any such new Twenty Pound Share as aforesaid: Provided also, that on the Distribution of the said new Twenty Pound Shares, and before Delivery of Certificates in respect thereof, a Payment shall be made in respect of each such Share by every Person or Corporation entitled thereto to the *Manchester and Leeds* Railway Company equal to the Amount or Sum for the Time being called for on the said existing Twenty Pound Shares or Fifth Shares.

Proprietors of new Shares to be entitled to same Privileges as Holders of existing Shares.

XXVI. And be it enacted, That the Holders of such new One hundred Pound Shares and new Twenty Pound Shares shall (subject to the Provisions of this Act) at all Times be entitled in respect thereof to the same Powers, Advantages, Rights, and Privileges, and shall be subject to the same Liabilities in respect thereof, as the Holders of the existing One hundred Pound Shares and Twenty Pound Shares or Fifth Shares respectively, created under the Authority of the said recited Acts relating to the *Manchester and Leeds* Railway or some of them, are or may be entitled to, and (subject as aforesaid) all the said new Shares hereby created shall be in all respects the same as if they had been created under the same Powers as the said existing One hundred Pound Shares and Twenty Pound Shares or Fifth Shares.

Provision for Payment of Dividends.

XXVII. And be it enacted, That the Proprietors of the new Shares of One hundred Pounds and Twenty Pounds respectively, created by virtue of this Act, shall be entitled to Dividends in respect thereof from the First Day of *January* last, and, subject to the Provisions herein-after contained, such Dividends shall be after the same Rate and of the same proportionate Amount, regard being had to the Amount of Money for the Time being called up on the respective Shares, as the Dividends on the existing One hundred Pound and Twenty Pound Shares or Fifth Shares, and shall in all Cases be declared out of the clear Amount of Profits which shall be made by or arise or belong to the *Manchester and Leeds* Railway Company from all their Undertakings, including the Undertakings of the said Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway; provided that the Proprietors of such new One hundred Pound Shares and Twenty Pound Shares or Fifth Shares shall receive for the Year One thousand eight hundred and forty-six, in lieu of the aforesaid Dividends in respect of such Shares, such Dividends, or Equivalent for Dividends, as have been or shall be agreed upon between the Two Companies.

XXVIII. And

XXVIII. And be it enacted, That, subject to the Provisions herein-before contained, future Calls on the Proprietors of the several new Shares hereby created shall be of the same Amounts and be made at the same Time as the Calls to be made upon the existing One hundred Pound Shares and Twenty Pound Shares or Fifth Shares respectively, and the *Manchester and Leeds* Railway Company shall have Power to give Effect to and enforce Payment of all such Calls in the same Manner as if such Calls had been made in pursuance of and under the Powers of the Acts relating to the *Manchester and Leeds* Railway Company; and the Money paid on account of such Calls shall be applied for the Purposes of the said *Manchester and Leeds* Railway Company and their several Undertakings.

Power to
Manchester
and Leeds
Railway
Company to
make Calls.

XXIX. And be it enacted, That all such Agreements as previously to the Commencement of this Act shall have been entered into between the *Manchester and Leeds* Railway Company and the said Company of Proprietors relating to the Incorporation of the latter Company and their Undertaking with the *Manchester and Leeds* Railway Company and their Undertaking, shall, unless inconsistent with this Act, be carried into effect and enforced by and against the *Manchester and Leeds* Railway Company.

Agreements
may be car-
ried into
effect.

XXX. And be it enacted, That, subject to the Provisions herein contained, the said Company of Proprietors shall, from and immediately after the Commencement of this Act, be and are hereby dissolved for all Purposes, except such as may be necessary for enforcing any Agreement entered into between them and the *Manchester and Leeds* Railway Company, or any of the Provisions of this Act, for which Purposes the said Company of Proprietors shall, notwithstanding this Enactment, continue to be and have Power to act as a Body Corporate.

Dissolution
of Company
of Pro-
prietors.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall abate or prejudice any Action or Suit which, on or before the Period aforesaid, shall have been commenced by or against the said Company of Proprietors, but the same may be continued, proceeded with, and prosecuted, as if this Act had not been passed, and that nothing in this Act contained shall tend to revive or continue any Right of Action which, by virtue of the said recited Acts or any of them should be brought within a limited Time, but such Action shall be either brought within the same Time against the *Manchester and Leeds* Railway Company as it must or should have been brought against the said Company of Proprietors in case this Act had not been passed, and nothing in this Act contained shall prevent the suing for or recovering, either in the Name of the *Manchester and Leeds* Railway Company or of the said Company of Proprietors, any Penalty incurred for any Offence against the Provisions of any Act relating to the said Companies respectively, on or before the Period aforesaid, or to prevent, defeat, or abate any Prosecution, but all Penalties which have been incurred may be sued for, and all Offences

Dissolution
not to abate
Actions.

Offences which have been committed may be prosecuted either in the Name of the *Manchester and Leeds* Railway Company or of the said Company of Proprietors, in the same Manner to all Intents and Purposes as the same could have been sued for or prosecuted in the Name of the said Company of Proprietors if this Act had not been passed.

Saving the Rights of the Owners of Rent-charges, Mortgages, &c.

XXXII. Provided also, and be it enacted, That nothing hereinbefore contained shall diminish, prejudice, increase, extend, vary, or otherwise affect the Rights, Remedies, Securities, or other Claims of any Person or Corporation to whom any Sum of Money is or but for the passing of this Act would have been or become due or payable from the *Manchester and Leeds* Railway Company, or the Company of Proprietors, for Chief Rents, Ground Rents, Rent-charge, or other Rent or annual Sum, or upon or by virtue of any Mortgage or Bond from or by either of such last-mentioned Companies, but that all such Rights, Remedies, Securities, and other Claims shall continue and be charged and chargeable upon the same Property and Effects, have the same Priorities, and be in all respects in the same State and Condition, and of the same Force, Validity, and Effect, as they would have been if this Act had not been passed.

Indemnity to the Directors of Company of Proprietors.

XXXIII. And be it enacted, That all Persons who before the passing of this Act were the Directors of the Company of Proprietors, and their respective Heirs, Executors, Administrators, or Assigns, and their and each of their Lands, Tenements, Goods, and Chattels, shall be indemnified and saved harmless, by and out of the Funds of the *Manchester and Leeds* Railway Company, against all Debts, Liabilities, Contracts, and Engagements contracted and entered into by them as such Directors as aforesaid, and against all Damages, Losses, Costs, Charges, and Expences occasioned or which may at any Time hereafter be occasioned on account or in respect thereof.

Directors under this Act.

XXXIV. And be it enacted, That the Directors for the Time being of the *Manchester and Leeds* Railway Company shall be Directors as well for the Purposes of the Acts of Parliament relating to the said Company as for the Purposes of the Acts of Parliament relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway Company; and for the Purposes of this Act, and for all Purposes connected with the Qualification of Directors, Shares held under this Act shall be deemed Shares in the *Manchester and Leeds* Railway Company, held under the Acts relating thereto; and all the Provisions in the several Acts relating to the *Manchester and Leeds* Railway Company contained in reference to Directors going out of Office being re-eligible, the Constitution of Meetings for choosing Directors, and the Proceedings thereat, and all other Provisions in the said Acts contained in reference to the Qualification, Election, Duties, and Powers of Directors, so far as the same are not repugnant to or inconsistent with the Provisions in this Act contained, shall continue in full force.

XXXV. And

XXXV. And be it enacted, That if the *Manchester and Leeds* Railway Company shall pay off all or any Part of any Money which has been or shall at any Time or Times hereafter be borrowed under the Authority of the several Acts of Parliament enabling the said *Manchester and Leeds* Railway Company or the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway in that Behalf, or any of such Acts, then and in every such Case it shall be lawful for the *Manchester and Leeds* Railway Company and they are hereby authorized and empowered, immediately or at any Time or Times, and from Time to Time thereafter, again to raise or borrow the whole or any Part of the Amount so paid off on the Credit of the several Undertakings vested in them, and for that Purpose to mortgage and assign the Property of the Undertakings and the Rates, Tolls, or other Property of the Company, or any Part thereof respectively, (the Costs and Charges of assigning the same to be paid out of the Money so to be raised,) as a Security for any Sum of Money which shall be so again raised or borrowed, with Interest, to such Person as shall advance the same, and so from Time to Time as often as the same shall happen, but so nevertheless that the *Manchester and Leeds* Railway Company shall not in any event borrow or owe, under the Authority of this Act, upon Mortgage at any one Time more than the total Amount authorized to be raised or borrowed by virtue of the Acts relating to the said Companies respectively.

In case Mortgages are paid off, the *Manchester and Leeds* Railway Company may raise the Money again.

XXXVI. And be it enacted, That it shall be lawful for the *Manchester and Leeds* Railway Company, after the Commencement of this Act, to exercise all Powers with reference to the raising of Money, either by the Creation of new Shares, or by Mortgages which may have been granted to the said Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway by the said recited Acts relating to such Company, and which may be then in force, and also all Powers which may be granted to the same Company of Proprietors by any Act or Acts of the present Session of Parliament, and for such Purpose to create additional Shares in the *Manchester and Leeds* Railway Company, or to mortgage or assign the Undertakings, and the Rates, Tolls, or other Property of the *Manchester and Leeds* Railway Company, as the Case may be, but so nevertheless that the total Amount of Money to be raised by the *Manchester and Leeds* Railway Company under the Powers of this Act and of the said recited Acts, and any other Act or Acts of the present Session of Parliament relating to their Undertakings, shall not exceed the aggregate Amount of Capital which the *Manchester and Leeds* Railway Company and the said Company of Proprietors respectively are or may be authorized to raise under the Powers of the said several recited Acts and any other Act or Acts of the present Session relating to their respective Undertakings.

Manchester and Leeds Company may exercise Powers of the Company of Proprietors to raise Money.

XXXVII. And be it enacted, That so much and such Parts of the recited Acts, and of any Act heretofore passed, or which has been or may be passed in the present Session of Parliament relating to the *Manchester and Leeds* Railway as relate to or in any manner concern the Appointment, Duty, Power, Obligation, or Liability of Directors,

Provisions of former Acts applicable to this Act.

Committees, Clerk, Secretary, Treasurer, or other Officers, the making or Enforcement of Bye Laws, the keeping, Examination, Inspection, or making up of Accounts, the making Calls and enforcing Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the raising Money, the Conversion of Debt into Capital, the Consolidation of Shares into Stock, the transferring or Transmission of Shares or Stock, the Declaration or Receipt of Dividends, and the Service of Notice, Writ, or other Process, except so far as the same or any of them have heretofore been or by this Act is or are varied, altered, or repealed, or so far as the same or any of them may be inconsistent with the Provisions and Purposes of this Act, and all other Powers and Provisions of the said Acts, not inconsistent with this Act, shall be good, valid, and effectual to and for the said Undertakings of the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway*, as well as of the *Manchester and Leeds Railway Company*, and all the Purposes thereof respectively, and for carrying this Act into execution, in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever as if the same had been repeated and re-enacted expressly in this Act.

Bye Laws to be subject to Provisions of 3 & 4 Vict. c. 97. for regulating Railways.

XXXVIII. Provided always, and be it enacted, That all Bye Laws, Orders, Rules, and Regulations made or to be made under the Powers of the recited Acts or of this Act, or any of them, as well relating to the Railways as to the Canal by this Act vested in the said *Manchester and Leeds Railway Company*, shall be subject to the same Provisions relative to Bye Laws, Orders, Rules, and Regulations made by Railway Companies as are contained in an Act passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for regulating Railways*.

Powers of the first-recited Act enabling Proprietors to hold Shares in the East Lancashire Railway Company repealed.

XXXIX. And whereas an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, intituled *An Act for making a Railway from the Manchester and Bolton Railway in the Parish of Eccles to the Parish of Whalley, all in the County Palatine of Lancaster, to be called the Manchester, Bury, and Rossendale Railway*; and by the said Act the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation and Railway* were authorized to subscribe and contribute so much of the Capital of the Company, not exceeding the Sum of Seventy-five thousand Pounds, as had been or should be determined upon at any such General Meeting of the said Company of Proprietors as is therein referred to, and the Shares representing such Capital, or which should be apportioned to the said Company of Proprietors, were not to be transferable by the said Company of Proprietors, except as therein mentioned; and in pursuance of the said Power the said Company of Proprietors have subscribed and are now the Holders of Three thousand Shares, of the nominal Value of Seventy-five thousand Pounds, in the Capital of the Company, and are, under the Provisions of the said recited Act, entitled to certain Rights and Privileges, and are subject to certain Disabilities as to the Nomination of Directors and voting at the General Meetings of the Company and otherwise; and it is expedient that such of the Provisions of the said Act as relate to such

such last-mentioned Rights, Privileges, and Disabilities should be amended and repealed; be it enacted, That all the Powers, Authorities, Provisions, Clauses, Matters, and Things contained in the said first-recited Act, enabling the said Company of Proprietors to hold Shares and nominate Directors of the *East Lancashire* Railway Company, shall be and the same is hereby repealed.

XL. And be it enacted, That on Payment or Tender to the *Manchester and Leeds* Railway Company, or to their Treasurer or Secretary, by the *East Lancashire* Railway Company, of the Money actually paid by the said Company of Proprietors on account of the said Shares, together with Interest on such Money after the Rate of Five Pounds *per Centum per Annum*, from the Time or respective Times of the Payment of such Money or of the several Portions thereof by the said Company of Proprietors, and which Payment the *East Lancashire* Railway Company shall and they are hereby required to make within Three Calendar Months from the passing of this Act, the Shares now held by the said Company of Proprietors in the *East Lancashire* Railway Company shall be relinquished to the last-mentioned Company, and the Capital represented by such Shares shall be distributed by the Directors of the last-mentioned Company among the Shareholders therein, in proportion to the Number of Shares for the Time being held by them respectively in the last-named Company, and in Shares of such an Amount as shall be convenient for such Distribution; and such Shares shall be considered as Part of the general Capital of the *East Lancashire* Railway Company, and shall be subject to the same Provisions with reference to the Transfer thereof, to the Votes at General Meetings, Payment of Calls, and the Forfeiture of Shares on Nonpayment of Calls, and in every other respect as the remaining Shares in the *East Lancashire* Railway Company; and if any Proprietor of the *East Lancashire* Railway Company shall fail for One Month after Offer being made of the same to accept the Portion of such Shares to which he or she may be entitled as aforesaid, it shall be lawful for the Directors of the *East Lancashire* Railway Company to dispose of such of the said Shares as may remain unappropriated under the Provisions of this Act, in such Manner as they may deem most expedient for the Advantage of the *East Lancashire* Railway Company.

Distribution
of Shares
held by
Company of
Proprietors.

XLI. And be it enacted, That an Agreement, dated the Twenty-second Day of *January* One thousand eight hundred and forty-four, made between the said Company of Proprietors of the one Part, and the Directors of the then intended *Manchester, Bury, and Rossendale* Railway Company, now the *East Lancashire* Railway Company, of the other Part, and another Agreement, dated the Nineteenth Day of *March* One thousand eight hundred and forty-six, made between the said Company of Proprietors and the *Manchester and Leeds* Railway Company of the one Part, and the *East Lancashire* Railway Company of the other Part, shall, unless as to such Parts thereof as are inconsistent with the Provisions of this Act, be and the same are respectively hereby confirmed.

Confirming
Agreements
with *East
Lancashire
Railway
Company.*

XLII. And

Certain Powers of the East Lancashire Railway Acts to be exercised by Manchester and Leeds Company.

XLII. And be it enacted, That all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things applicable to the said Company of Proprietors, and contained in the said Act of the Seventh and Eighth Years of Her present Majesty's Reign, or in any other Act or Acts of Parliament relating to the *East Lancashire* Railway, (save only so far as the same or any of them are inconsistent with the Provisions and Purposes of or are by this Act or any other Act passed in the present Session of Parliament expressly altered or repealed, and subject to the Engagements, Contracts, and Obligations of the said Company of Proprietors in every respect,) shall be exercised, done, and performed by and be applicable to the *Manchester and Leeds* Railway Company, their Officers, Agents, and Servants, in the same Manner and as fully and effectually to all Intents and Purposes as the same would have been applicable to and might have been exercised, done, and performed by the said Company of Proprietors in case this Act had not been passed: Provided always, that nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Exemptions, Powers, or Authorities vested in the *East Lancashire* Railway Company under and by virtue of the last-named Acts of Parliament, or either of them, relating to the Use of the *Manchester, Bolton, and Bury* Railway, and the Stations, Warehouses, Buildings, and Conveniences connected therewith, or otherwise howsoever, but the same shall remain and be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not been passed.

Rules for Interpretation of Act.

XLIII. And be it enacted, That when in this Act any Word is used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males; and where the Word Lands is used the same shall be understood to include Tenements and Hereditaments; and where the Word Corporation is used the same shall be understood to mean any public Body, corporate or collegiate, civil or ecclesiastical, aggregate or sole; and where the Word "Railway" is used the same shall be understood to include such Railway, together with its Branches, and all Alterations and Deviations in and from such Railway and Branches by the said recited Acts, or any Act heretofore passed or which has been or shall be passed in the present Session of Parliament relating to such Railway, or any of them, or by this Act, authorized to be made or carried on; and where the Word Directors is used the same shall be understood to include Committee of Management; unless in any of the Cases aforesaid it be otherwise specifically provided, or there be something in the Subject or Context repugnant to such Construction.

Treasury, &c. may require Inconveniences and Evils to be remedied.

XLIV. And be it enacted, That if at any Time after the passing of this Act it shall appear to the Lords Commissioners of Her Majesty's Treasury, or the Officers of the Government Department charged for the Time being with the Supervision of Railways, to be necessary for the Interests of the Public, it shall be lawful for the said Lords Commissioners

missioners or other Government Officers to require the *Manchester and Leeds* Railway Company to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils by the Lords Commissioners or other Officers specified; and upon the Failure or Inability of such Company to comply with the Requisitions of the said Lords Commissioners or other Officers, within the Period of Six Months from the Date of such Requisition, in the Particulars aforesaid, it shall be lawful for the said Lords Commissioners or other Officers to serve the said *Manchester and Leeds* Railway Company with Notice to introduce into Parliament in the then existing Session, if Parliament should then be sitting, and if not, in the then next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said *Manchester and Leeds* Railway Company shall and is hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Lords Commissioners or other Officers to introduce or prosecute (as the Case may be) such Bill at the Expence of the said *Manchester and Leeds* Railway Company.

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

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XLVI. And be it enacted, That nothing herein contained shall be deemed to exempt the *Manchester, Bolton, and Bury* Railway, or the said *Manchester and Leeds* Railway Company in respect thereof, from the Provisions of any general Act relating to Railways now in force or which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges hereby authorized to be taken on the said Railway or Railways.

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

XLVII. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid in preference to other Payments by the Directors of the *Manchester and Leeds* Railway Company out of the

Expences of Act.

[Local.]

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the first Monies received or to be received by them by virtue of this Act, or out of any other Monies at their Disposal.

Public Act.

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

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