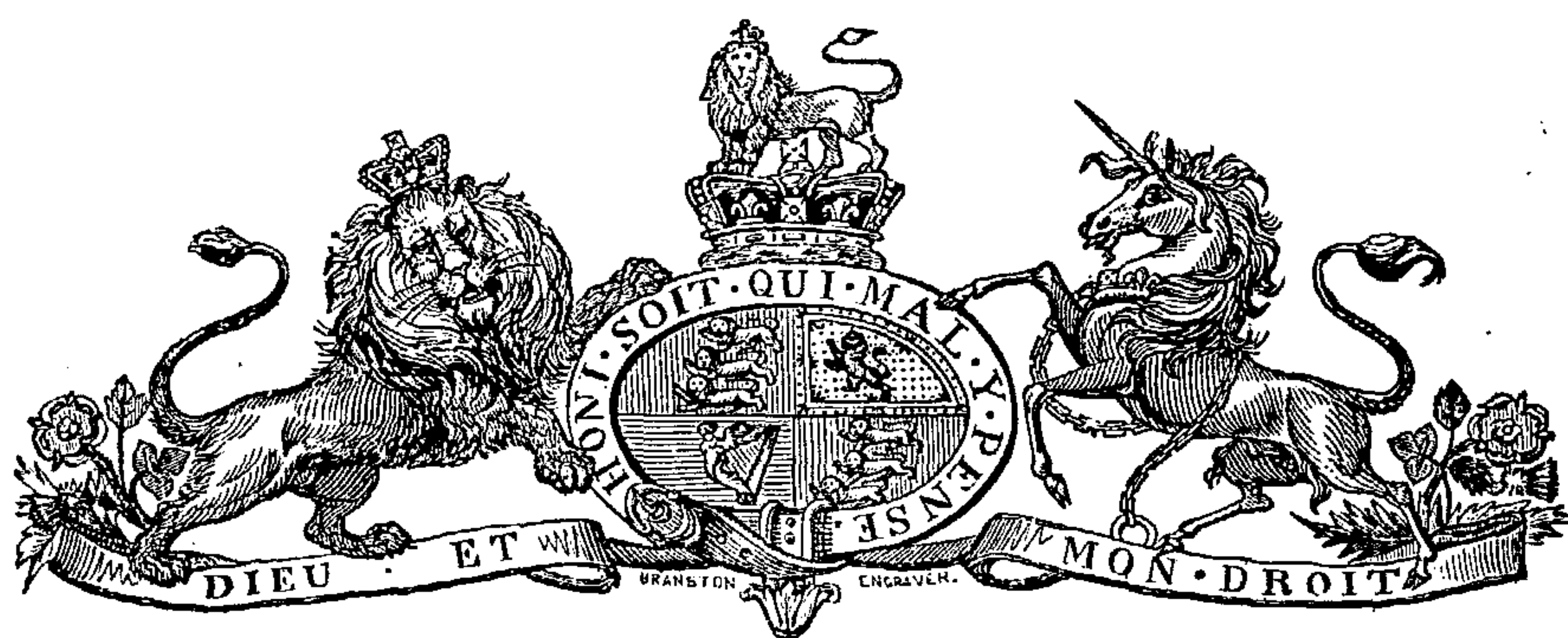




ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. xxv.

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.

[11th June 1838.]

WHEREAS an Act was passed in the First and Second Year 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*: And whereas another Act was passed in the Second Year of the Reign of His said 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 Navigation, to alter and amend the Line of the said Railway, to make further collateral Branches thereto, and for amending the Powers and Provisions of the Act relating to the said Canal and Railway*: And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Acts relating to the Manchester, Bolton, and Bury Canal Navigation and Railway, and to make a Branch Railway to Bolton*: And whereas the said Company of Proprietors have proceeded to

1 & 2 W. 4.
c. 60.
2 W. 4. c. 69.
5 W. 4. c. 30.

[Local.] 7 Y execute

Provisions of
recited Acts
extended to
this Act.

execute the Works authorized by the said recited Acts, and have nearly completed the same, but the Monies which they are thereby authorized to raise have been found insufficient to complete all the Works, and fully to carry into effect the Purposes of the said recited Acts; and it is expedient that the said Company of Proprietors should be empowered to raise a further Sum of Money, and that some of the Powers and Provisions of the said recited Acts should be altered and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, and by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Restrictions, Privileges, Exemptions, Exceptions, Penalties, Forfeitures, Payments, Rules, Regulations, Remedies, Directions, Articles, Matters, and Things whatsoever contained in the said herein-before recited Acts or any of them, and which are now in force and applicable to the Purposes of this Act, shall (except so far as the same or any of them is or are hereby varied, altered, or repealed, or otherwise provided for,) continue in force and extend to this present Act, and to the Works, Matters, and Things hereby authorized, and shall operate and be in force 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 herein repeated and adapted and applied to the Purposes of this Act.

Power to
borrow
Money.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors and they are hereby authorized and empowered to borrow and take up at Interest, from any Person or Persons, upon Mortgage of the Rates authorized to be collected by virtue of the said recited Acts and this Act, or any of them, any Sum of Money (over and above the several Sums of Two hundred and four thousand Pounds, Forty-six thousand Pounds, and Two hundred and fifty thousand Pounds, amounting in the whole to the Sum of Five hundred thousand Pounds, authorized to be raised by the said recited Acts,) not exceeding the Sum of One hundred and fifty thousand Pounds, or so much thereof as to them shall seem meet and convenient; and the said Company of Proprietors, or their Committee for the Time being, after any Order of any General or Special Meeting of the said Company of Proprietors for that Purpose, shall and they are hereby fully authorized and empowered to assign the Interest and Property of the said Company of Proprietors in the said Canal and Railway and other Works, and the Rates arising or to arise by virtue of the said recited Acts and this Act, or any of them, the Costs and Charges of assigning the same to be paid out of the Monies of the said Company, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Mortgage, in like Manner and Form, and with, under, and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest to be thereby secured, and the Payment and Recovery thereof respectively, as are mentioned in and by

by the said recited Acts respecting the borrowing of Money on Mortgage, and the Securities to be made for the same, and Payment and Recovery thereof, as fully and effectually, to all Intents and Purposes, as if the same had been done in pursuance of the said recited Acts.

III. And be it further enacted, That in case the said Company of Proprietors shall raise any Part of the said Sum of One hundred and fifty thousand Pounds hereby authorized to be raised by Mortgage, and shall afterwards be desirous of paying off the same or any Part thereof by raising the Money amongst themselves, it shall be lawful for the said Company of Proprietors, or their Committee for the Time being after any Order of any General or Special Meeting of the said Company of Proprietors for that Purpose, and they are hereby fully authorized and empowered, to make such Calls or Call for Money from the Proprietor or Proprietors of each Share in the said Company, in order to raise the Sum or Sums so to be borrowed as aforesaid on Mortgage, and proposed to be paid off, under such Regulations and Directions, and subject to such Powers, Provisions, and Restrictions, and to be consolidated, as enacted and declared in the said recited Acts with reference to Calls thereby authorized to be made, as if such Sum or Sums of Money had not been borrowed as aforesaid.

Power to
pay off
Mortgages.

IV. And be it further enacted, That it shall be lawful for the said Company of Proprietors and they are hereby authorized and empowered, by any Order or Orders from Time to Time of any General or Special Meeting of the said Company, to raise, pay, and contribute among themselves proportionably and rateably according to their several Shares in the said Company the said Sum of One hundred and fifty thousand Pounds, or any Part thereof; and it shall be lawful for the said Company of Proprietors or for their Committee for the Time being to make such Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Company, in order to raise the said Sum of One hundred and fifty thousand Pounds, or any Part thereof, and under such Regulations and Directions, and subject to such Powers, Provisions, and Restrictions, as are enacted and declared by the said recited Acts touching the raising of the Sums thereby authorized to be raised by the said Company; and such Sum or Sums of Money as shall be so paid in respect of every Share in the said Company shall be and the same is and are hereby declared to be consolidated with every such Share, and shall entitle the respective Owners thereof to a proportional increased Share of the Profits and Advantages of the said Company.

Power to
raise the
Money by
Calls.

V. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, by any Order or Orders of any Special Meeting of the said Company to be from Time to Time held for the Purpose, to raise by Contribution amongst themselves, or by the Admission of other Persons as Subscribers thereto, or in part by each or either or both of those Means, the said Sum of One hundred and fifty thousand Pounds hereby authorized to be raised, or any Part or Parts thereof, either in the first instance or at any Time or Times hereafter, and that as well for the Purpose of raising the

Power to
raise the
Money by
new Shares.

the said Sum of Money hereby authorized to be raised, or any Part thereof, as of paying off and discharging the same, or such Part thereof which may be borrowed under the Authority of this Act, or any Sum or Sums of Money which shall have been borrowed under the Authority of the said recited Acts; and the Amount of the Money thus to be raised from Time to Time shall be divided into so many distinct and integral Shares of such Value and Amount as shall be fixed at such Special Meeting of the said Proprietors, and as will allow a proper Proportion thereof to the then Proprietors of Shares in the said Company; and the Shares so to be made and created shall be offered to the several Proprietors of original Shares in the said Company, and the same new Shares shall be divided amongst and vested in the said several Proprietors of original Shares who may be willing to accept the same, and their respective Successors, Executors, Administrators, and Assigns; and in case the said Proprietors of original Shares shall neglect or fail for One Calendar Month next after the Offer of the same by Letter under the Hand of the Clerk of the said Company, given or sent by Post to him, her, or them respectively, or left at his, her, or their usual Place or Places of Abode, to accept such additional or new Share or Shares as he, she, or they respectively shall be entitled to take, or any of them, then it shall be lawful for the said Company or the Committee of Management thereof to dispose of such of the said new additional Shares as shall not be so accepted by the said Proprietors of original Shares, for such Sum or Sums of Money *per* Share as the said Company or Committee may be able to obtain for the same, unto such Bodies Politic, Corporate, and Collegiate, and other Persons, as may be willing and desirous of becoming and shall become Subscribers to and Proprietors of the same; and all and every new Shares or Share to be created under the Authority of this Act shall be deemed Personal Estate, and shall be transmissible and transferrable as such under the Provisions of the said recited Acts; and all and every such Bodies and Persons as aforesaid who shall become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, whether Proprietors of original Shares or otherwise, shall be and they are hereby declared to be Owners and Proprietors of Stock, and interested therein, and in the Profits of and in the said Company, to the Value and Amount that may be fixed and determined at any such Special Meeting of the said Company as aforesaid, and shall pay the Amount thereof to the said Company at such Times and in such Manner as the same shall be called for by the said Company, or the Committee of Management thereof for the Time being; and such new Shares shall be under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said several recited Acts and this Act relating to the original Shares in the said Company, or the Proprietors thereof respectively, and so far as the same will apply, and all Bodies and Persons as aforesaid shall be and they are hereby declared to be thenceforth united to and incorporated with the said Company.

Power of
voting in
respect of
new Shares.

VI. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall become entitled to new Shares under the Provisions of this Act, shall be allowed One Vote,
under

under and according to the Provisions of the said recited Acts, in respect of every total aggregate Number of such new Shares as at any such Special Meeting of the said Company as aforesaid shall be fixed as equivalent to One original Share in the said Undertaking.

VII. And be it further enacted and hereby declared, so as to operate retrospectively as well as prospectively, That any Clerk, Clergyman, or Ecclesiastical Person or Body whatever is and shall be legally competent to and can or may purchase, hold, or enjoy, and dispose of any Share or Shares already or hereafter to be created in the said Company, or the Capital or Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Body or Person is by the said recited Acts authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued, and enjoy the same Privileges and Immunities as they otherwise are entitled to, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding: Provided always, that nothing in this or the said recited Acts contained shall authorize or empower any such Clerk, Clergyman, or Ecclesiastical Person or Body to be elected or to act as One of the Directors or Managers of the said Undertaking.

Authorizing
Ecclesiasti-
cal Persons to
hold Shares.

VIII. And be it further enacted, That in case Coal, Stone, Timber, or other Goods, Matters, or Things shall be at any Time placed, landed, or deposited on any public Wharf of the said Company in such Manner as to impede or obstruct the Passage to or from the Landing Place on any such Wharf, or in any Manner to obstruct, impede, or block up the Passage to or from any Crane belonging to the said Company, then, in case the Coal, Stone, Timber, or other Goods, Matters, or Things so obstructing, impeding, or blocking up as aforesaid shall not be removed or taken away within the Space of Six Hours from the Time when Complaint shall have been made of the same by the said Company, their Agent or Servant, to the Owner or Carrier thereof, or other Person having the Care or Direction thereof, then it shall be lawful for the said Company to remove the same, and to charge the Expences of such Removal and the Detention thereof to the Owner or Carrier thereof or other Person as aforesaid, and to keep and detain the same until such Expences, and all Tolls and other Charges due thereon, shall have been fully paid and discharged, and in default of Payment after Ten Days Notice to sell and absolutely dispose of the same, rendering the Surplus (if any) to the Owner or Carrier or other Person aforesaid: Provided always, that no Part of any such Wharf of the said Company shall be deemed to be a Passage to or from the Landing Place or any such Wharf, or a Passage to or from any Crane belonging to the said Company, until the same shall have been distinctly marked and defined on the said Wharfs, and Notice thereof given on some conspicuous Place upon every such Wharf, Fourteen Days before such Passage shall be deemed or taken to be a Passage as aforesaid.

To prevent
Obstruction
of Wharfs.

IX. And be it further enacted, That all Mines of Minerals or of Coals, or of Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of the said recited Acts or any

Company
not to claim
Mines.

[*Local.*]

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of

of them, shall be and remain the Property of the Owners thereof respectively, and may be worked by the Owners and Lessees thereof respectively, subject to the Provisions and Restrictions as to such Mines contained in the said recited Acts, except such Part of such Mines as shall have been expressly purchased by the said Company, and conveyed to them by the Owner thereof for the Purposes contained in the said recited Acts.

Power to
provide an
additional
Supply of
Water.

X. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract and agree with any Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, Trustee or Trustees, or any other Person or Persons whomsoever, who may be willing to contract and agree with the said Company in this Behalf for a Supply or an increased Supply of Water to and for the Reservoir, Canal Navigation, and other Works of the said Company, and which said Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, Trustee or Trustees, or such other Person or Persons as last aforesaid, are hereby authorized and empowered to enter into any such Contract or Agreement; and the said Company, and such Corporation, Trustee, Person or Persons entering into such Contracts or Agreements, are hereby authorized and empowered to supply and increase or vary the Supply of Water for the Purposes aforesaid, upon such Terms, Conditions, Restrictions, and Provisions, by way of Purchase and Sale, or otherwise, as may be mutually fixed or agreed upon between the Parties to any such Contract or Agreement, and at or upon any Land of the said Company, or of any other Body, Corporation, or Person, with the Consent of such other Body, Corporation, or Person, to make, do, perform, and execute all Works and Operations whatsoever which may in the Opinion of the said Company be necessary, convenient, or expedient for carrying such last-mentioned Contract or Agreement into full and complete Effect; and also that it shall be lawful for the said Company and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Surveyors, Engineers, Officers, Workmen, and Servants, to make, erect, construct, maintain, repair, keep, have, and use, at, in, or upon any Land of the said Company, One or more sufficient Reservoir or Reservoirs as may by the Company be deemed necessary, and at, in, or on any Land of the said Company, or with the Consent in Writing of the Proprietors of any adjoining Lands, to deepen, widen, and extend the present Reservoir of the said Company, for affording and giving to the said Canal Navigation and Works authorized by the said recited Acts or some of them a more adequate Supply of Water; and also to raise, make, erect, construct, maintain, alter, repair, widen, deepen, scour, cleanse, lay, keep, and use, in, upon, or near to the several Reservoirs and the said Canal Navigation, and the Works thereof or connected therewith, or any of them, at, in, or on any Land of the said Company, or with the Consent in Writing of the Proprietors of any adjoining Land, proper and sufficient Embankments, Dams, Banks, Weirs, Conduits, Aqueducts, Tunnels, Cuts, Culverts, Channels, Watercourses, Feeders, Drains, Pipes, Cisterns, Tanks, Valves, Gauges, Bye-washes, Spillwaters,

waters, Sluices, Locks, Floodgates, waste and other Weirs, Cloughs, Paddles, Roads, Ways, and other proper, necessary, or convenient Works, as the said Company shall think necessary, for the Purposes aforesaid, or any or either of them: Provided always, that nothing contained in this Act shall confer on any Body Politic, Corporate, or Collegiate, or Person or Persons, the Power of diverting any Water, except with such Consent in Writing of the Parties entitled or interested in such Water, and of the Owners and Occupiers of Mills or Falls situated between the Point where such Water shall be diverted and the Point where it is returned into the Stream or Reservoir, as by their respective Acts they are required to obtain from Parties interested in such Diversion.

XI. And whereas by the said recited Acts, or one of them, the said Company are authorized and required to make, construct, and complete, in manner therein mentioned, a certain collateral Branch Railway, commencing at or near to *Unity Brook* in the Township of *Clifton* or in the Township of *Kersley*, and passing through or within the Townships of *Clifton* and *Kersley* aforesaid, and extending to certain Vitriol Works in the Township of *Kersley*, therein described, within Two Years from and after the opening (for the Passage of Waggon and other Carriages) of the Branch Railway authorized to be made by the said recited Act of the Fifth Year of King *William* the Fourth: And whereas by the said last-mentioned recited Act the Time within which the said Company were authorized and empowered to take Lands for the Purpose of the said collateral Branch Railway was limited to the Term or Space of Three Years, to commence and be computed from the passing of the last-mentioned Act: And whereas the said Railway hath not yet been opened for the Passage of Waggon and other Carriages, nor will the said Railway for a considerable Time yet to come be completed and opened as aforesaid: And whereas the said Company have not completed the Purchase of Lands to be taken and appropriated for the Purpose of the said collateral Branch, and it is expedient that further Time should be allowed for that Purpose, in order that the said collateral Branch may be constructed and completed in manner and within the Time aforesaid; be it therefore enacted, That the said Company shall and they are hereby empowered and required to purchase and take, within the Space of One Year, to be computed from the Seventeenth Day of *June* One thousand eight hundred and thirty-eight, the Houses, Buildings, Lands, and Hereditaments, or so much thereof as shall be necessary and proper for the Purpose of making, constructing, and completing the said collateral Branch Railway.

Extending
the Time
for making
the Branch
Railway.

XII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required forthwith to erect, build, or make, and afterwards to maintain, a good and substantial Wall or Fence of Brick, Stone, Wood, or Iron, or any of them, of the Height of Seven Feet at the least, above the Level of the Platform of the Station of the said Company in *Salford*, and all along the Side thereof next to *Booth Street* there, and co-extensive with the Wall of the *New Bailey* Prison in *Salford* aforesaid, so far as the said Station lies and is opposite to the said Prison Wall, and for so long a Period

Company to
screen the
New Bailey
Prison from
the View of
Persons
using the
Railway.

of

of Time as the said *New Bailey* Prison shall continue and be used as a Prison, in order that the said Prison may be effectually concealed from the View of Persons being upon the said Railway.

Expences of
this Act.

XIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the said Company.

Public Act.

XIV. 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.

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