



## CHAPTER clvii.

An Act for making a Railway from Bury to Tottington, with branches, in the county palatine of Lancaster. A.D. 1877.

[2d August 1877.]

**W**HEREAS the making of the railways herein-after described would be attended with public and local advantage:

And whereas the persons in this Act named, with others, are willing at their own expense to construct the said railways, and it is expedient that powers should be conferred on them for that purpose:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of this Act, were duly deposited with the clerk of the peace for the county palatine of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the Company and the Lancashire and Yorkshire Railway Company should be empowered to make and carry into effect the agreements herein-after provided for:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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, as follows:

1. This Act may be cited as "The Bury and Tottington District Railway Act, 1877." Short title.



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Certain provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. John Heap, Samuel Knowles, Edward Mucklow, Richard Olive, Hugh Roberts, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Bury and Tottington District Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in



the deposited book of reference as may be required for that purpose. A.D. 1877.  
 The railways herein-before referred to and authorised by this Act  
 are wholly situate in the county palatine of Lancaster, and are—

A railway (No. 1), three miles three furlongs four chains and seventy-five links in length, commencing in the township of Elton, in the parish and borough of Bury, by a junction with the East Lancashire Line of the Lancashire and Yorkshire Railway Company nearly opposite the house called Chamber Hall, and terminating in the township of Tottington Lower End, in the said parish of Bury, at or near the junction of the Elton and Blackburn turnpike road with the highway (formerly the Edenfield and Little Bolton turnpike road) at the southern side of the village of Holcombe Brook :

A railway (No. 2), on the deposited plans and sections called (No. 4), wholly situate in the said township of Tottington Lower End, two furlongs and one chain in length, commencing by a junction with Railway (No. 1) at or near a point on the road leading from Moss Side to Hopkinsons about one hundred and fifty yards, measured along that road in a south-westerly direction, from the bridge over Kirklees Brook, and terminating near Messrs. John Olive and Sons' waggon building shed at Woolfold, about three chains, measured in a south-westerly direction, from the highway leading from Bury to Tottington.

6. The capital of the Company shall be fifty-seven thousand pounds in five thousand seven hundred shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to issue until one fifth paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole nineteen thousand pounds, but no part thereof shall be borrowed until the whole capital Power to borrow on mortgage.



A.D. 1877. of fifty-seven thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand six hundred pounds in the whole.

Debenture stock.

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created or issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

13. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting and quorum.

14. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act, and the quorum for general meetings, whether ordinary or extraordinary, shall be at least five shareholders, holding together not less than five thousand pounds in the capital of the Company.

Number of directors.

15. The number of directors shall not be more than five nor less than three, but the Company may from time to time increase or reduce the number within those limits accordingly.



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**16.** The qualification of a director appointed by the shareholders shall be the possession in his own right of not less than fifty shares. Qualification of directors.

**17.** The quorum of a meeting of directors shall be three, but if the number of directors shall be reduced to three the quorum shall be two. Quorum.

**18.** John Heap, Samuel Knowles, Edward Mucklow, Richard Olive, and Hugh Roberts shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died nor resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.  
  
Election of directors.

**19.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre. Lands for extraordinary purposes.

**20.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Powers for compulsory purchases limited.

**21.** Instead of carrying Railway No. 2 across and on the level of the public carriage road numbered 8 on the deposited plans in the township of Tottington Lower End, in the parish of Bury, as shown on the deposited sections, the Company shall raise the said road and carry the same over the railway, and the width of the roadway over the bridge shall not be less and the approaches to the bridge shall not be steeper than those prescribed by the Railways Clauses Consolidation Act, 1845, in the case of turnpike roads. Bridge to be substituted for level crossing of road by railway No. 2.

**22.** The Company may make the roadway over the bridges, by which the following roads will be carried over the railway, of such Widths of certain roadways.

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A.D. 1877.     width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Township.	Description of Roadway.	Width of Roadway.
Railway No. 1.				
56	Bury - -	Elton - -	Public - -	25 feet
70	Bury - -	Tottington Lower End.	Public - -	25 feet

Notice to be given of taking houses of labouring classes.

**23.** The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for the persons of the labouring classes to be displaced.

**24.** Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person; provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice; and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands.

Power to take easements, &c. by agreement.

**25.** Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts (Amendment Act), 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are



applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. A.D. 1877.

**26.** For the protection of the Earl of Derby, his heirs, sequels in estate, and assigns, all of whom are herein-after included in the expression the Earl of Derby, the following provisions shall have effect; (that is to say,) For the protection of the Earl of Derby.

- (1.) Before the Company commence the construction of the Railway No. 1 by this Act authorised they shall purchase from the Earl of Derby, who shall sell to them, the whole of the triangular piece of land comprising seven acres or thereabouts, bounded on the easterly side by the East Lancashire Railway of the Lancashire and Yorkshire Railway Company, on the southerly side by the proposed Railway No. 1, and on the westerly side by the River Irwell, by agreement, or, failing agreement, by arbitration, in the manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :
- (2.) The Company shall construct, and for ever maintain, an underbridge between Calrow Lane and the River Irwell, of a width of not less than twelve yards and a height of not less than fifteen feet; provided that the Company shall not be required to raise the present level of their railway as shown on the deposited plans; and an underbridge of the same dimensions over Calrow Lane; also two overbridges, with suitable gradients on the lands of the Company, and a width of not less than twelve yards, between the Edenfield and Bolton turnpike road and the western boundary of the lands belonging or reputed to belong to the Earl of Derby :
- (3.) The four bridges aforesaid shall be placed in such positions, subject to the last-mentioned provisions, as may be approved in writing by Thomas Statter, or other the agent for the time being of the Earl of Derby, and shall be constructed according to such plans, elevations, and additions as may be reasonably approved by him :
- (4.) Each of the two before-mentioned underbridges shall be maintained and kept drop dry by and at the expense of the Company.

**27.** For the protection of the Lancashire and Yorkshire Railway Company, and for regulating the crossing of the canal feeder and the footpath thereof in connexion with the Manchester, Bolton, and Bury Canal belonging to that company, in the construction of For the protection of the Lancashire and Yorkshire Railway Company.

A.D. 1877. Railway No. 1 by this Act authorised, the following provisions shall have effect; viz.,

1. The bridge for carrying Railway No. 1 over the said canal feeder and footpath shall be an iron girder bridge with stone or brick abutments, and shall be so constructed as to have a clear span throughout of not less than twenty-five feet, and with a headway of at least seven feet clear above the footpath; the said bridge and all works connected therewith, and all temporary works during the construction thereof, shall respectively be built and constructed under the inspection and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans, sections, and specifications to be previously approved by such engineer:
2. The Company shall make good all damage that may be occasioned to the works and property of the Lancashire and Yorkshire Railway Company by the construction, renewal, or want of repair of the said railway or works by this Act authorised to be made, and if for seven days after notice in writing by the Lancashire and Yorkshire Company the Company shall neglect to proceed with due diligence to make good such damage, the Lancashire and Yorkshire Railway Company may, if they think fit, make good the same, and the amount expended by them in so doing shall be paid to them by the Company: Provided always, that in any case of pressing necessity the Lancashire and Yorkshire Railway Company may proceed to make good such damage, and recover payment of the costs thereof, without giving such notice as aforesaid:
3. If by reason of or in the execution of the said railway and works the said canal feeder shall be so obstructed that the flow of water shall not pass freely along the same for the supply of the reservoir in connexion with the said canal, then the Company shall pay to the Lancashire and Yorkshire Railway Company as or by way of ascertained damages the sum of twenty pounds for every day during which such obstruction shall continue, and so in proportion for any less time than one day; and in default of payment of the said sum, on demand being made on the secretary of the Company, the Lancashire and Yorkshire Railway Company may sue for and recover the same, together with costs of suit, against the Company by action of debt or in the case in any of Her Majesty's Courts at Westminster:



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4. The Company shall and they are hereby required, at their own expense, to maintain the said bridge and works in proper repair :

5. It shall not be lawful for the Company to make any deviation or diversion whatever in the line, course, or direction of the said Railway No. 1 by this Act authorised at its junction with the Lancashire and Yorkshire Railway, or over the said canal feeder, or the footpath in connexion therewith, without the consent in writing under the hand of the engineer of the Lancashire and Yorkshire Railway Company first had and obtained :

6. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Lancashire and Yorkshire Railway Company.

28. With respect to the Post Office telegraph system the following provisions shall take effect :

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same :

Restriction  
on works  
affecting  
Post Office  
telegraph  
system.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same :

Power for  
Postmaster  
General to  
annex  
conditions.

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Power of  
entry for  
Postmaster  
General.

Compensa-  
tion by Com-  
pany to Post-  
master Ge-  
neral, and  
penalty.

Power for  
Postmaster  
General to  
construct  
and work  
telegraphs,  
&c.

(c.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon :

(d.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General ; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues ; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company :

(E.) Her Majesty's Postmaster General on, over, along, and across any of the railways, works, and lands for the time being of the Company may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may, by his engineers and other officers, servants, and workmen at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands ; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company ; and if at any time the Company desire to make at their own expense any alteration in any work



executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section, the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by the Lands Clauses Consolidation Act, 1845, and any Act amending the same for the determination of the amount, and application of compensation for lands taken or injuriously affected:

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- (F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

This section to remain in force only for one year, &c.

**29.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, Exchequer bills to the amount of two thousand six hundred pounds, being equal in value to five per centum upon the amount of the estimate in respect of the railway, have been deposited with the High Court of Justice (Chancery Division) in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said Exchequer bills so deposited as aforesaid shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said Exchequer bills deposited as aforesaid

Deposit money not to be repaid until line opened or half the capital paid up and expended.



A.D. 1877. shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**30.** The said Exchequer bills deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice (Chancery Division) may seem fit; and if no such compensation shall be payable, or if a portion of the said Exchequer bills shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said Exchequer bills, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division think fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said Exchequer bills have been paid to the depositors, or have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for  
completion  
of works.

**31.** If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and com-



pleting the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. A.D. 1877.

**32.** The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railway :

For any person, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile :

Class 1. For any horse, mule, or other beast of draught or burden, fourpence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny :

Class 2. For any ox, cow, bull, or head of neat cattle, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny :

Class 3. For any calf, pig, sheep, lamb, or other small animal, one penny farthing per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

In respect of goods and minerals conveyed upon the railway :

Class 4. For all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fireclay), dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny : Tolls for goods.

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fireclay, and stone, copper ore, lead ore, tin ore, antimony, and manganese, and all other ores, minerals, and semi-metals, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

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Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile, and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for  
propelling  
power.

**33.** The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations  
as to tolls.

**34.** The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act ; (that is to say,)

Short dis-  
tances.

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles :

Fractional  
parts of a  
mile.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals 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 of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand tolls 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 ;

General  
weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

Weight of  
stone and  
timber.

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.



**35.** With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight or length, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

A.D. 1877.  
 Tolls for  
 small parcels  
 and single  
 articles of  
 great weight  
 or length.

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, five-pence:

For any parcel not exceeding fourteen pounds in weight, sevenpence:

For any parcel not exceeding twenty-eight pounds in weight, ninepence:

For any parcel not exceeding fifty-six pounds in weight, one shilling:

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight on the railway:

For the carriage of any one 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 Company may demand such sum as they think fit, not exceeding one shilling per ton per mile:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit:

For the carriage of any single consignment of timber, stone, machinery, or other single article which, on account of the length thereof, may require more than one carriage, the Company may demand such sum as they think fit.

**36.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the toll for the use of the railway and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

Maximum  
 rates for  
 passengers.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:



[Ch. clvii.] *The Bury and Tottington District* [40 & 41 VICT.]  
*Railway Act, 1877.*

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For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum  
rates for  
animals and  
goods.

**37.** The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

For every animal in Class 1, fourpence per mile :

For every animal in Class 2, threepence per mile :

For every animal in Class 3, one penny farthing per mile :

For everything in Class 4, one penny halfpenny per ton per mile :

For everything in Class 5, twopence per ton per mile :

For everything in Class 6, threepence per ton per mile :

For everything in Class 7, fourpence halfpenny per ton per mile :

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence ; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers  
luggage.

**38.** Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal  
station.

**39.** No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.



**40.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. A.D. 1877.  
Foregoing charges not to apply to special trains.

**41.** Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals, goods, or minerals of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals, goods, or minerals other than small parcels by passenger trains. Company may take increased charges by agreement.

**42.** The Company and the Lancashire and Yorkshire Railway Company may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,) Power to enter into agreements with Lancashire and Yorkshire Railway Company.

The working, use, management, and maintenance of the railway and works connected therewith, or of any part or parts thereof:

The supply under any agreement for the railway being worked and used by the Lancashire and Yorkshire Railway Company of rolling stock and plant necessary for the purposes of such agreement, and of officers and servants for the conduct of traffic thereon:

The payments and allowances to be made, and the conditions to be performed, with respect to such working, use, management, and maintenance:

The interchange, accommodation, and conveyance of traffic coming from or destined for the undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

**43.** During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Lancashire and Yorkshire Railway Company, the railway of the Company and of the Lancashire and Yorkshire Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the Lancashire and Yorkshire Railway Tolls on traffic conveyed partly on the railway and partly on the Lancashire and Yorkshire Railway.



[Ch. clvii.] *The Bury and Tottington District* [40 & 41 VICT.]  
*Railway Act, 1877.*

A.D. 1877. — for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the Lancashire and Yorkshire Railway.

Interest not  
to be paid on  
calls paid up.

44. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposit for  
future Bills  
not to be  
paid out of  
capital.

45. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Railways not  
exempt from  
provisions of  
present and  
future  
general Acts.

46. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels authorised by this Act.

Expenses of  
Act.

47. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.