



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxxvii.

An Act for making and maintaining a Railway or Tramroad from the *Liverpool and Manchester Railway*; at or near *Wargrave Lane* in *Newton in Mackerfield*, to *Warrington* in the County Palatine of *Lancaster*, and Two Collateral Branches to communicate therewith. [14th *May* 1829.]

WHEREAS the making and maintaining a Railway or Tramroad, commencing at the South Side of the Line of the Railway now making from *Liverpool to Manchester*, at or near a Place called *Wargrave Lane*, in *Newton within Mackerfield* in the County Palatine of *Lancaster*, to a certain Field in *Dallum Lane* in *Warrington* in the said County, in the Occupation of *John Rylands*, together with Two Collateral Branches to lead from and out of the said intended Railway or Tramroad, one of such Collateral Branches to commence at or near to the Intersection of *Jockey Lane* and *Dallum Lane* in *Warrington* aforesaid, and to terminate at or near to a certain Place called the *Cockhedge Field*, in *Warrington* aforesaid, belonging to *Thomas Legh Esquire*, and in the Possession of Messieurs *Ellson and Standish*, and the other Collateral Branch to commence at or near to the said Intersection of *Jockey Lane* and *Dallum Lane* in *Warrington* aforesaid, and to terminate within Twenty Yards of the North Side of the Turnpike Road from *Liverpool to Warrington*, opposite to a certain Place called *Bankey* or *Bank Quay*, all in the

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County

Proprietors
incorporated.

County Palatine of *Lancaster*, will be a Work of great public Utility and Advantage, by opening a safe, convenient, and expeditious Communication for the Conveyance of Goods, Wares, and other Merchandize between the said Town of *Warrington* and the Towns of *Liverpool*, *Manchester*, and other populous Places, and also by affording a cheap and quick Conveyance of Coal from the Pits in the Neighbourhood of *Newton* to the Town of *Warrington*, where large Quantities are consumed, both for domestic and commercial Purposes: And whereas the several Persons herein-after named are willing and desirous to make, establish, and maintain such Railway or Tramroad and Branches as aforesaid at their own proper Costs and Charges; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Michael Satterthwaite*, *Ralph Boardman*, *John Mawdesley*, *Benjamin Hick*, *Thomas Eskrigge*, *John Wilson*, *George Booth the younger*, *George Booth*, *Edward Deane Falkner*, *James Chapman*, *Charles Booth*, *William Claxton*, *Thomas Orford*, *Joshua Walmesley*, *George Stephenson*, *Joseph Sandars*, *Thomas Read*, *John Whitley*, *George Barnes*, *John Alderson*, *Thomas Robinson*, *John Buckley*, *William Green*, *Betty Harper*, *James Johnson*, *John Cunningham*, *Samuel Ellson*, *James Haddock*, *William Standish*, *Robert Leftwich*, *John Smith*, *Thomas Kirkland Glazebrook*, *John Pickmere*, *James Davies*, *William Whitley*, *George Baker*, *William Burdett*, *John Sedgwick Clerk*, *John Banastre Falkner*, *John Davies*, *Edward West*, *John Morgan*, *John Caryl*, *John Leach*, *W. E. Milner*, *William Warburton*, *Harmood Banner*, *Edward Browne*, *John Brandwood*, *John Hodgson*, *Thomas Penketh*, *Samuel Gaskell*, *Thomas Woodroffe*, *Thomas Wagstaff*, *John Rylands*, *Thomas Parr*, *John Richard Pickmere*, *John Tunstall*, *Martha Hart*, *Edward Pierpoint*, *Samuel West*, *John Bethell*, *John Lowe*, *Ralph Randle Pickmere*, *John Sowden*, *Samuel Edelsten*, *Holbrook Gaskell*, *Thomas White*, *William Barker*, *Thomas Barker*, *William Hall*, *John Haddock*, *Joseph Wood*, *John France*, *John Sharp*, *Henry French*, *Joseph Stubs*, *Richard Turner*, *Joseph Watts*, *William Heath*, *Helen Dakin*, *James Harrison*, *Richard Ainsworth*, *Thomas Harrison*, *John Arthur Borron*, *Joseph Perrin*, *John Edelsten*, *George Wood*, *Arthurina Borron*, *Joseph Locke*, *William Davies*, *Thomas Brown*, and *Edward Pease*, and all and every other Person or Persons, Body or Bodies Politic and Corporate, who shall hereafter become Subscribers to the said Undertaking for establishing the said Railway or Tramroad and Branches, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united and incorporated in a Company for making and maintaining the said Railway or Tramroad and Branches, and the Works incident thereto and to be connected therewith, according and subject to the Rules, Restrictions, and Regulations herein-after mentioned and provided, and for that Purpose shall be One Body Corporate, and be known as such by the Name and Style of, "The *Warrington and Newton Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, plead and be

impleaded at Law or in Equity; and the said Company shall have full Power and Authority, from Time to Time and at all Times, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again, in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

II. And be it further enacted, That the said Company shall be and are hereby empowered, by themselves, their Deputies, Agents, Officers, Engineers, Artificers, Servants, and Workmen, to make, complete, and maintain a Railway or Tramroad and Branches, with proper Works and Conveniences adjoining thereto or connected therewith, to be called "The *Warrington and Newton* Railway," for the Passage of Waggon and other Carriages to be drawn, propelled, or moved thereon by stationary and locomotive Steam Engines, Horses, or other adequate Power, in the Discretion of the said Company, subject nevertheless as herein-after is mentioned, commencing at the South Side of the Line of the Railway now making from *Liverpool* to *Manchester*, at or near a Place called *Wargrave Lane*, in *Newton* within *Mackerrfield*, in the said County Palatine of *Lancaster*, to a certain Field in *Dallum Lane* in *Warrington* in the said County, in the Occupation of *John Rylands*; and to make and complete Two Collateral Branches to lead from and out of the said intended Railway or Tramroad; one of such Collateral Branches to commence at or near to the Intersection of *Jockey Lane* and *Dallum Lane* in *Warrington* aforesaid, and to terminate at or near to a certain Place called the *Cockhedge Field*, in *Warrington* aforesaid, belonging to *Thomas Legh* Esquire, and in the Possession of Messieurs *Ellson* and *Standish*; and the other Collateral Branch to commence at or near to the said Intersection of *Jockey Lane* and *Dallum Lane* in *Warrington* aforesaid, and to terminate within Twenty Yards of the North Side of the Turnpike Road leading from *Liverpool* to *Warrington*, opposite to a certain Place called *Bankey* or *Bank Quay*, all in the County Palatine of *Lancaster*; and also to make and maintain all such Inclined Planes on such Parts of the said Railway or Tramroad and Branches respectively as to the said Company may seem expedient, and to erect and use stationary or other Engines for the Purposes aforesaid (save and except as herein-after is mentioned).

Company empowered to make the Railway and Branches.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Officers, Engineers, Surveyors, Servants, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon any Lands and Grounds necessary for the Purposes of this Act, which shall belong to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to ascertain, set out, and appropriate such Parts thereof, as to the said Company may seem necessary, for making, completing, and using the said Railway or Tramroad and Branches, and the Works, Matters, and Conveniences necessary or incident thereto, and for the other Purposes of this Act; and to bore, dig, cut, trench, embank, and sough, and also to remove, take, carryaway, lay, and use, any Earth, Clay, Stone, Soil,

Power to enter Lands and inspect;

and take Materials, &c.

and remove
Obstruc-
tions.

Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Railway or Tramroad and Branches, and other Works, out of or from the said Lands or Grounds, or any Lands or Grounds adjoining to such Railway or Tramroad and Branches, which may be proper or requisite for making, continuing, maintaining, altering, or repairing the said Railway or Tramroad and Branches or other Works, or which may hinder, prevent, or obstruct the making, using or completing, extending or maintaining the same respectively; and to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or Tramroad and Branches or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Inclined Planes, deep Cuttings, and Tunnels, for passing any Hills, Valleys, Roads, Rivers, Brooks, and Streams, or other Waters, and to alter the Course of or draw off such Water for such Time as may be necessary for completing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Landing Places, Weighing Machines, Cranes, Fire Engines, Steam Engines, and other Engines, or other Machines and other Works, and Ways, Roads, and Conveniences, as the said Company shall think necessary and convenient for the Purposes of the said Undertaking, and from Time to Time to alter, repair, and amend or discontinue the same; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Railway or Tramroad and Branches and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and to make, repair, maintain, and alter any Fences or Passages over, under, or through the said Railway or Tramroad and Branches; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggons or other Carriages passing upon the said Railway or Tramroad and Branches with or by means of locomotive or stationary Engines or other adequate Power, (save and except as herein-after is mentioned,) or with Men or Horses or otherwise, and proper Places for such Engines and for Waggons and other Carriages to turn, remain, stand, lie, or pass each other, and also Ways and Roads to communicate with the said Railway or Tramroad and Branches and other Conveniences, as the said Company shall think convenient; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, deep Cuttings, Tunnels, and other Works in, upon, under, and across any Hills, Valleys, Roads, Rivers, Brooks, and Streams or other Waters, for the making, preserving, improving, using, maintaining, and repairing of the said Railway or Tramroad and Branches and other Works; and to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway or Tramroad and Branches, for the Purpose of conveying Water from or to the said Railway or Tramroad and Branches, or any Part or Parts thereof; and to construct, make, and do all other Acts, Matters, and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway or Tramroad and Branches and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act, they the said
Company,

Company, their Deputies, Agents, Engineers, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction to the Owners or Proprietors of and to all Persons interested in any Lands, Canals, or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby vested and granted; and in case any Difference shall arise in the Computation of the Amount of such Satisfaction, the same shall be settled and determined by the Verdict of a Jury in manner hereinafter mentioned; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Engineers, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to the Provisions and Restrictions in this Act mentioned and contained.

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

V. And be it further enacted, That the Furnace of every Steam Engine to be erected, built, or used by the said Company, under or by virtue of the Powers of this Act, shall be constructed on the Principle of consuming its own Smoke, (but permissible only through the Lands of the Right Honourable *Thomas Lord Lilford*, and the Rector of *Winwick*, on the Terms after mentioned,) according to the best and most improved Methods which may be in use. Steam Engines to consume their own Smoke.

VI. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge, for the Purpose of such Road, shall not be more than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge. Regulating Ascent to Bridges.

VII. And whereas a Map or Plan describing the Line of the said Railway and Tramroad and Branches, and the Lands through or over which the same were intended to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County Palatine of *Lancaster*: And whereas, since the depositing the said Map or Plan and Book of Reference as aforesaid, a Deviation from or Alteration of the Line laid down upon such Map or Plan hath been agreed to and determined upon at the Request and with the Concurrence of the Owners and Occupiers of the Lands through or over which such Deviation or Alteration is intended to be made; be it therefore enacted, That

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Two Copies of the Map or Plan shewing the Line of Deviation or Alteration so agreed upon and determined, and of an amended Book of Reference thereto, after the same shall have been authenticated by the Signature of the Clerk of the Parliaments for the Time being, (who is hereby authorized and directed so to authenticate the same,) shall be deposited in manner herein-after mentioned; (that is to say,) one Copy thereof so signed shall be deposited in the Office of the Clerk of the Parliaments, and the other Copy thereof so signed shall (within Two Calendar Months next after the passing of this Act) be deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*, to the end that all Persons may at all seasonable Times have Liberty to inspect the same respectively, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said Clerk of the Parliaments or his Deputy or Assistant, or to the said Clerk of the Peace or his Deputy respectively, the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and the Book of Reference, or any Copy thereof, or so much or such Part or Parts thereof respectively as shall relate to any Matter or Thing in question, certified by the said Clerk of the Parliaments or his Deputy or Assistant, or by the said Clerk of the Peace or his Deputy, to be a true Copy, shall be and is hereby declared to be good Evidence in all Courts of Law and Equity whatsoever.

Not to deviate more than 100 Yards.

VIII. And be it further enacted, That the said Company, in making the said Railway or Tramroad and Branches, shall not deviate more than One hundred Yards from the Course or Direction delineated in such Map or Plan.

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

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

Houses and Gardens not to be used without Consent.

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

therein respectively (other than and except such as are specified in the Schedule to this Act annexed): Provided always, that if the said Company shall not within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as herein-after mentioned, the several Houses, Buildings, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purpose only shall cease, determine, and be utterly void (save and except with the Consent in Writing of the Owners and Occupiers thereof respectively).

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors hereby incorporated to make or carry the said intended Railway, or any Branch or Branches thereof, or any Deviation or Deviations from the Line thereof, as laid down upon the Plan thereof to be authenticated by the Clerk of the Parliaments as herein-before mentioned, and to be deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*, nearer to the *Sankey Brook Canal* than Twenty Yards; nor shall any thing in this Act contained authorize or enable the said intended Railway Company to enter into or upon any of the Lands or Grounds of which the Proprietors of the said *Sankey Brook Canal* are Owners or reputed Owners, without the Consent of such Proprietors, their Successors or Assigns, or of their Clerk or Agent, first had or obtained, save and except the Croft in the Occupation of *Jonathan Wright*.

Railway not to pass nearer than Twenty Yards of the *Sankey Brook Canal*.

XII. Provided also, and be it further enacted, That the said Company of Proprietors hereby incorporated shall not in or by the Execution of any of the Powers hereby granted occasion any unreasonable Obstruction, Damage, or Prejudice to the *Sankey Brook Canal*, or any Water running therefrom or thereto, or obstruct or divert any Brook, Watercourse, Drain, Sewer, or Channel, Bank, Dam, or Wharfs, or other Works of the said Proprietors in anywise connected therewith, or obstruct or prejudice the Navigation thereof, or the Boats, Barges, or Vessels navigating thereon, or anywise affect the full and free Use and Enjoyment thereof.

Company not to obstruct the Navigation of the *Sankey Brook Canal*.

XIII. And be it further enacted, That in case the said Company of Proprietors hereby incorporated shall, in the Progress of constructing the said Railway, or in the Repair or Alteration thereof, make any such Obstruction or cause any such Prejudice as aforesaid to the said Canal or to the Navigation thereof, and shall not on receiving Twenty-four Hours Notice in Writing from any One or more of the Proprietors of the said *Sankey Brook Canal*, or their or any of their Clerks or Agents, so to do, remove such Obstruction or the Cause of such Prejudice, it shall be lawful for and the said Proprietors of the said *Sankey Brook Canal*, or any One or more of them, are and is hereby authorized and empowered, at the Expiration of such Notice, by themselves, himself, or herself, or their or any of their

For Recovery of Expences for any Injury to the *Sankey Canal Company*.

their Agents, Servants, or Workmen, to remove such Obstruction or the Cause of such Prejudice, doing as little Injury to the Works of the said Railway Company as may be; and all the Expences thereof shall be repaid by the said Railway Company hereby incorporated to the Use of the said Proprietors of the said *Sankey Brook Canal*; and in default of such Payment on Demand by any One or more of the said Proprietors of the said *Sankey Brook Canal*, or his, her, their, or any of their Clerks or Agents, any Two or more of His Majesty's Justices of the Peace for the said County of *Lancaster* shall and they are hereby required, on Application by any One or more of the said Proprietors of the said *Sankey Brook Canal*, his, her, their, or any of their Clerks or Agents, or the said Collectors for the Time being, or any Person authorized by him, her, or them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences to be levied by Distress on and Sale of the Goods and Chattels of the said Company of Proprietors hereby incorporated, and to be paid to the said Proprietors of the said *Sankey Brook Canal*, their Agents or Clerks, rendering the Overplus (if any), upon Demand, (after deducting the reasonable Costs, Charges, and Expences of such Application, Distress, and Sale,) to the said Railway Company, or some of their Agents; or otherwise the said Proprietors of the said *Sankey Brook Canal*, or any One or more of them, shall and may sue for and recover the same against the said Railway Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County of *Lancaster*.

Breadth of
Land to be
taken for the
Railway.

XIV. And be it further enacted, That the Lands and Grounds to be taken and used for the Purposes of this Act shall not exceed Fifteen Yards in Breadth, except in such Places where any Branch of or Communication with the same shall fall into or communicate with the Main Course of the same, or where it shall be deemed necessary for Waggons or other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing any Valleys or low Grounds, or in deep Cuttings, or where any fixed or permanent Steam or other Engines, Warehouses or other Buildings, Cranes or Weighbeams, may be erected, or where any Place or Places may be set out or appropriated for the forming of a Wharf or Wharfs, Staith or Staiths, or for the Delivery or Reception of Coal, Merchandize, and Burdens which shall be conveyed on the said Railway or Tramroad and Branches, and not above One hundred and fifty Yards in Breadth in any Place, except at or near the Termination of the said Lines within the Townships of *Warrington* and *Newton* respectively, and at or near the Communication between the Main Line and the Branches at the Intersection of *Dallum Lane* and *Jockey Lane* aforesaid, where Places not exceeding Five Acres at each Point or Place may be taken, set out, and appropriated for Wharfs, Staiths, Warehouses, and Buildings, Yards and Conveniences, and also except on Common or Waste Lands, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad and Branches respectively: Provided always, that nothing herein-before contained shall authorize or empower the
said

said Company to purchase or lease any Lands or Grounds situated on the South Side of the said Turnpike Road leading from *Liverpool* to *Warrington*.

XV. And be it further enacted, That in all Cases where, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, diverted, raised, sunk, appropriated, taken, or so much injured as to be impassable for Travellers, Passengers, Horses, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, and before any such Road shall be cut through, diverted, raised, sunk, appropriated, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, as the Case may require, to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road so to be cut through, diverted, raised, sunk, appropriated, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road to be cut through, diverted, raised, sunk, or passed over shall be a Turnpike Road, the temporary Road shall be so made and the principal Road restored within Six Calendar Months next after the Commencement of the Operations; and the Railway or Tramroad and Branches where it shall cross such Turnpike Road shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road.

To prevent
Injury to
Roads.

XVI. Provided always, and be it further enacted, That the said Company of Proprietors shall and they are hereby authorized, required, and directed to make, construct, build, and complete, in a good, substantial, and workmanlike Manner, and thenceforth to maintain and keep in repair, such and so many Archways, Tunnels, Culverts, or other Works and Conveniences under the said Railway or Tramroad, and in, upon, about, or adjoining to the Lands and Hereditaments belonging to the Right Honourable *Thomas Lord Lilford* and to the Rector of *Winwick* respectively, lying within the Townships of *Burtonwood* and *Winwick* aforesaid, and on the Line of the said intended Railway or Tramroad, as shall be sufficient and fully capable on all Occasions to carry off all the surplus Waters from the Meadows and Low Grounds lying near or adjoining to the said Railway or Tramroad, or which shall be affected thereby, so as to prevent the Embankment to be made across such Meadows and Low Grounds from forming or operating as a Dam or Obstruction when the same are inundated; all such Archways, Tunnels, Culverts, and other Conveniences for the Purposes aforesaid, to be made, built, and constructed of such Height, Span, and Dimensions, and at or in such Place or Places, as the said *Thomas Lord Lilford*, his Heirs or Assigns, and the Rector of *Winwick* for the Time being respectively, or their respective Agents, shall in that Behalf point out or request and direct as being satisfactory to them respectively for the Purpose aforesaid; and if the said Company of Proprietors shall neglect or refuse (after Thirty Days Notice in Writing) to make, construct, build, and complete such Archways, Tunnels, Culverts, and other Conveniences

Company to
make Arch-
ways, &c. for
carrying off
the Water
from the Es-
tates of Lord
Lilford and
the Rector of
Winwick.

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necessary

necessary or proper for the Purposes aforesaid, or at any Time thereafter to maintain and keep the same in good and sufficient Repair, to the Satisfaction of the said *Thomas Lord Lilford*, his Heirs or Assigns, or of the Rector of *Winwick* aforesaid for the Time being, or of their respective Agents, then and in every such Case, and on such Neglect or Refusal of the said Company, it shall be lawful for the said *Thomas Lord Lilford*, his Heirs or Assigns, or the said Rector of *Winwick* for the Time being, or any Person or Persons to be appointed by them respectively, at the Costs, Charges, and Expences of the said Company of Proprietors, to make, construct, build, and complete such and so many Archways, Tunnels, Culverts, and other Works and Conveniences, as shall appear to them to be necessary or proper for answering the Purposes and Objects herein before mentioned, or to repair, support, and from Time to Time to maintain and keep in repair such Archways, Tunnels, Culverts, and other Works and Conveniences, when and so often as the same, or any of them, shall go out of Repair, or be insufficient or ineffectual for attaining the Objects aforesaid; and the Amount of such Costs, Charges, and Expences so to be incurred as aforesaid shall be considered as a Debt owing by the said Company, and may be sued for and recovered against the said Company, or their Treasurer for the Time being, either by Action of Debt, or by Distress and Sale of the Goods and Chattels belonging to the said Company, or by any other lawful Ways or Means whatsoever.

Restriction
as to the Use
of Steam En-
gines.

XVII. Provided also, and be it further enacted, That no stationary Steam Engine whatever shall at any Time hereafter be erected, built, made, or set up by the said Company of Proprietors, or any other Person or Persons, under or by virtue of this Act, within the Townships of *Burtonwood* or *Winwick* aforesaid, or either of them, on any Account or under any Pretence whatsoever; and also that no locomotive Steam Engine shall be allowed or suffered to pass or go along the Line of the said intended Railway or Tramroad within the said Townships of *Burtonwood* and *Winwick* aforesaid, or either of them, or in any Part or Parcel of any other Township, which Part or Parcel shall be included or immediately adjoin to the said Townships or either of them, which shall be considered by the said *Thomas Lord Lilford*, his Heirs or Assigns, or by the Rector of *Winwick* aforesaid for the Time being, to be a Nuisance or Annoyance to them or either of them respectively, from the Noise or Smoke thereof, or from any other Cause connected with the Machinery of such locomotive Steam Engine; and if the said Company of Proprietors shall at any Time knowingly and wilfully permit, suffer, or allow any such locomotive Steam Engine to pass or go along the Line of the said intended Railway or Tramroad, after Three Days Notice in Writing shall have been given to the said Company by *Thomas Lord Lilford*, his Heirs or Assigns, or by the Rector of *Winwick* aforesaid for the Time being, or their respective Agents, of the same being a Nuisance or Annoyance to them or either of them respectively, from the Causes aforesaid, then and in every such Case the said Company of Proprietors shall forfeit and pay to the said *Thomas Lord Lilford*, his Heirs or Assigns, and to the said Rector or his Successors, or such of them as shall have given such Notice, the Sum of Ten Pounds *per Diem*

Diem for each and every such locomotive Steam Engine as shall be suffered and allowed by the said Company to pass or go along the said Railway or Tramroad, or any Part thereof, within the said Townships of *Burtonwood* and *Winwick*, or either of them, without the Consent, or to the Dissatisfaction, of the said *Thomas Lord Lilford*, his Heirs or Assigns, or the said Rector of *Winwick* for the Time being; such Penalty or Sum of Ten Pounds *per* Day to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or by Action of Debt in like Way and Manner as other Penalties are by this Act directed to be raised and recovered.

XVIII. Provided always, and be it further enacted, That the said Company of Proprietors shall and they are hereby required and directed, with all convenient Speed, at their own proper Costs and Charges, to make, complete, and maintain a good and sufficient Screen of Plantation or Plantations, and a Fence or Fences, (such Fence or Fences to consist of a Stone Wall on the East Side of the said Railway or Tramroad,) of such Size and Form, and to such Extent, as the Rector of *Winwick* aforesaid for the Time being, or his Agent, shall point out and require, in order to cover or intercept the View of the said Railway from the Rectory House of *Winwick* aforesaid and the Grounds in the Occupation of the Rector, and to prevent the same from being an Annoyance to the Prospect therefrom; all the Land and Grounds so to be used and appropriated as and for such Plantation, Screen, and Fence, to be from Time to Time held and rented by the said Company as Tenants to the said Rector for the Time being, at or for the same or the like Price or Rental as shall from Time to Time be paid to the said Rector by the Tenants or Occupiers of the adjoining Lands; and the entire and exclusive Controul and Management of, and Property, Estate, and Interest, in such Plantation and Fence, when so formed, made, and established, shall for ever thereafter remain with and be vested in the Rector of *Winwick* aforesaid and his Successors in the said Rectory for the Time being; any thing in this Act contained to the contrary notwithstanding.

Company to make a Screen and Fence to cover the Railway from View of the Rectory of *Winwick*.

XIX. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railway or Tramroad and Branches, or any Parts thereof respectively, and for providing and constructing the Works and Conveniences hereby authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Lords or Ladies of Manors, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees or Feoffees in Trust for charitable or other Purposes, Heirs, Executors, Administrators, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed, or interested in Right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, not only for and on behalf of themselves and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other

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

other Person or Persons, and for all Females Covert who are or shall be seised, possessed of, or interested in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised or possessed of or interested in any Lands, Buildings, or Hereditaments which shall be so set out and ascertained and required for the Purposes aforesaid, to contract for, sell, and dispose of the same and every Part thereof unto the said Company and their Successors for a Price or Consideration in Money; and such Conveyances shall be made and executed at the Expence of the said Company, and shall be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of each Case will admit; (that is to say,)

Form of
Conveyance.

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

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

Power to
purchase the
Release of
Lands
wanted from
Rents
charged
thereon.

XX. And be it further enacted, That where any of the Lands, Tenements, and Hereditaments which shall be purchased by the said Company by virtue of or for the Purposes of this Act shall be subject or charged, solely, or jointly with other Lands, Tenements, or Hereditaments which shall not be purchased or required for the Purposes or by virtue of this Act, to or with any Rent Service, Rent Charge, Chief Rent, or other Rent, or any other Payment or Incumbrance, then and in every such Case the said Company shall have Power and they are hereby authorized to treat, contract, and agree for the Release, Exoneration, and Discharge of such Lands, Tenements, and Hereditaments so to be purchased as aforesaid of or from such Rent or Incumbrance affecting the same as aforesaid, and for an Apportionment of such Rent where the same shall be necessary, for such Consideration in Money as shall be agreed upon between the said Company and the Body or Bodies Politic or Corporate, Person or Persons, or Party or Parties, who under the Provisions of this Act shall be enabled to sell the same Rent or Incumbrance, or as shall be assessed by a Jury as herein-after mentioned, as the Case may be; and in case any Difference shall arise respecting the Apportionment of such Rent or Incumbrance, or the Money or Equivalent offered for

for the same by the said Company, then the Value of the same Rent or Incumbrance, and the Apportionment of the same, when necessary, shall be determined and decided by a Jury in manner herein-after mentioned; which Jury shall apportion such Rent or Incumbrance, when necessary, according to the respective Values of the Lands, Tenements, and Hereditaments so to be purchased by the said Company as aforesaid, and of the Lands, Tenements, and Hereditaments not so purchased, out of or upon which such Rent or Incumbrance shall be jointly issuing or charged; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Body or Bodies Politic or Corporate, Person or Persons, Party or Parties as aforesaid, for releasing, exonerating, and discharging the said Lands, Tenements, and Hereditaments so to be purchased as aforesaid of and from such Rent or Incumbrance affecting the same as aforesaid, shall be valid and effectual in the Law, and shall effect an Extinguishment of the Whole or a proportionate Part only of such Rent or Incumbrance, as the Case may be, and shall be within and have the full Benefit of the Powers, Provisions, and Regulations of this Act: Provided always, that when the said Lands, Tenements, and Hereditaments so to be purchased by the said Company shall be so released, exonerated, and discharged of and from any such Rent or Incumbrance as aforesaid affecting the same jointly with other Lands, Tenements, and Hereditaments, then and in such Case such last-mentioned Lands, Tenements, and Hereditaments, and the Owner and Owners thereof for the Time being, shall be subject to and charged with only a proportionate Part of such Rent or Incumbrance, and not with the Whole thereof; and such Apportionment shall not in any Manner invalidate, prejudice, or destroy the Remedies for such last-mentioned proportionate Part of such Rent or Incumbrance, but the same proportionate Part of such Rent or Incumbrance, and the Powers and Remedies for Recovery thereof, and all Covenants and Provisions for the Security thereof, shall at all Times thereafter remain, continue, and be good, valid, and effectual in the Law, to all Intents and Purposes, as if the same Lands, Tenements, and Hereditaments not so purchased as aforesaid had been originally subject to and charged with the same only, and not with any greater Rent or Payment: Provided also, that when a Part only of any Rent, Payment, or Incumbrance shall be released and extinguished under the Provision last herein-before contained, it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum to be indorsed on such Deed or Instrument, declaring what Part of the Lands, Tenements, and Hereditaments, originally subject to such Rent, Payment, or Incumbrance, shall have been purchased and taken by virtue of this Act, and also what Proportion of the said Rent, Payment, or Incumbrance shall have been released and extinguished in pursuance of this Act, and declaring the Amount of the Rent or Incumbrance to subsist and continue payable after such Purchase, Exoneration, Release, and Extinguishment; which Memorandum shall be Evidence in any Court of Law, or elsewhere, of the Facts thereby stated, but nevertheless so as not to exclude any other Evidence of the same Facts.

Company not to use the Mines, &c. under Lands purchased.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give the said Company any Mines or Minerals or of Coals or any Stone or Slate under any Land taken or purchased by the said Company under the Provisions of this Act (except only so much and such Parts of such Minerals, Coals, Stone, or Slate as shall or may be necessary to be dug or gotten and carried away or used for the making and repairing the said Railway or Tramroad and Branches); but all such Mines, Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the Owners and Lessees thereof under the said Lands or any Railways or Wharfs of the said Company, as if this Act had not passed, but so as nevertheless not to prejudice or injure such Railways, Wharfs, or other Works hereby authorized or directed to be made.

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

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

Satisfaction to be made for Lands taken.

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

XXIV. And

XXIV. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Hereditaments, Grounds, Messuages, Buildings, Tenements, Brooks, Canals, Waters, Reservoirs, or Watercourses which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, entitled, or empowered or capacitated to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of his, her, or their Cestuique Trust, or of the Person or Persons entitled in Remainder or Reversion after them as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested, entitled, or empowered to sell as aforesaid, shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or Hereditaments required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests therein, or shall, by reason of Absence or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway or Tramroad and Branches and other Works aforesaid, or shall not produce or evince a clear Title to the Hereditaments they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company; then and in every such Case the said Company shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the said County Palatine of *Lancaster*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any One of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the said County, not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and

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

returned

returned are hereby required to come and appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be so directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Sheriff, Under Sheriff, Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon and call before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall upon their Oaths, or, being of the Society called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been occasioned and sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which can or will be no further obviated, remedied, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued or respecting which any such Question shall arise.

Seven Days
Notice to be
given to the
Party with
whom such
Controversy
shall arise,
&c.

XXV. And be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or made use of for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any other Person or Persons, respectively being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by any such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway or Tramroad and Branches, and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company by this Act; such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Value of Land and Damages to be ascertained separately.

XXVI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Juries to determine what Proportion of Compensation shall be paid to Tenants.

XXVII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County Palatine among the Records of the Quarter Sessions for the same County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every such Copy after the Rate of Sixpence for every One hundred Words.

Verdict of Juries to be recorded.

XXVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also, and in addition to the Penalty or Penalties hereby inflicted, be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being of the Society of Persons called *Quakers*,

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

Witnesses punishable for Perjury.

[Local.]

8 U

upon

upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of Perjury shall by the Laws then in being be subject and liable.

By whom
Expences of
Juries shall
be paid.

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

and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster* or *Lancaster*, together with full Costs of Suit.

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

Persons requesting Juries, to enter into Bonds to prosecute.

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

Where Persons Lands are damaged, Compensation to be made.

XXXII. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive and take notice of any Complaint or Complaints to be made by any Party or Parties whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Party or Parties to the said Company within the Space of Three Calendar Months next after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Proprietors.

XXXIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries

Power to enter Lands on Payment

in

or Tender of
Purchase
Money.

in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of, the Hereditaments which shall be required for the Purposes of this Act, or in any other Case not provided for by this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company and their Successors, to and for the Purposes of this Act, for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies or Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail or other Estates in Reversion and in Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into such Lands or Grounds, Tenements or Hereditaments, for the Purpose of making the said Railway or Tramroad and Branches or other Works hereby authorized to be made, without the Leave of the respective Owners and Occupiers thereof in Writing under their respective Hands.

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

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

issue their Precept or Precepts to the Sheriff of the said County Palatine of *Lancaster*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue by or on account of the issuing and execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

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

Interests of such Tenants may be settled by a Jury.

XXXVI. And be it further enacted, That all and every Person and Persons having any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, (not being in Possession thereof by virtue of such Mortgage or Mortgages,) shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Company, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, (to be computed from the Day of giving such Notice,) then and at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the real Value of the Hereditaments to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Hereditaments so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before

Mortgages to be conveyed to the Company after Tender of Principal and Interest.

[Local.]

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directed:

directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Hereditaments comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments so to be taken as aforesaid, forthwith convey and assign and transfer his, her, or their Interest in such Lands or Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as hereinbefore mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Hereditaments to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Persons holding under Leases to produce the same.

XXXVII. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or Tramroad and Branches and other Works hereby authorized to be made are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made, within such Period as the said Company shall by Notice in Writing delivered to or left at the Place of Abode of the Party claiming such Compensation direct or appoint; and if such Lease, Demise, or Grant shall not be produced or shown accordingly, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

XXXVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust; Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement; or to any Person under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the *Warrington and Newton Railway Company*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Body or Bodies or Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies or Person or Persons who would

Application of Compensation Money when exceeding 200*l.*

1 G. 4. c. 35.

would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments to be purchased, conveyed, and settled, in case such Purchase and Settlement were made.

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

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

When less than 20*l.*

XL. And be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, or Lunacy, or other Incapacity, then such Money shall be paid to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles, &c.

XLI. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same upon Tender of the same being

being made as aforesaid, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Party or Parties to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Party or Parties entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Body or Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same Sum or Sums of Money to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Party or Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Party or Parties as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

XLII. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies or Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Bodies and Persons claiming under such Body or Bodies or Person or Persons, or under the Possession of such Body or Bodies or Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies or Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

When any Question shall arise touching the Title to Money, the Parties in Possession shall, *prima facie*, be considered as entitled.

[*Local.*]

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XLIII. And

Court of Exchequer may order Expences of Purchases.

XLIII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied to the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Re-sale of Land not wanted.

First Offer to be made to the Owners of the adjoining Lands, &c.

XLIV. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act, they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to purchase the same; and to convey the same accordingly; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act, contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of such Piece or Pieces of Land or Ground, shall (in those Cases only where any Party or Parties is or are known and can be found capable of treating in this Behalf) first offer to resell the same to the Owner or Owners of the adjoining Lands; and such Owner or Owners, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Twenty-one Days next after such Offer of Resale shall have been made, by Notice in Writing given to or left for him or her at his or her last or usual Place of Abode; and in case such Person, or Persons to whom such Offer shall be made shall refuse to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to repurchase such Lands, Grounds, and Hereditaments, for the Space of Twenty-one Days, then and in every such Case, on an Affidavit being made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, by some Person or Persons, not interested in the same Pieces or Parcels of Land or Ground, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted, or agreed to, by the Person or Persons to whom the same was made, within the said Space of Twenty-one Days, from the Day or Time of making the same, shall in all Courts whatever be conclusive Evidence, and Proof that

such Offer was made and was refused, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same; and he, she, or they and the said Company shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner in this Act directed with respect to disputed Value of Hereditaments to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of such Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act.

XLV. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments as last aforesaid, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

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

XLVI. And whereas it may tend to the public Advantage and Accommodation if the said Company were empowered to purchase any Quantity of Land in addition to the Lands and Hereditaments which they are herein-before enabled to take and enter upon as aforesaid, not exceeding Ten Statute Acres, and also to purchase any Messuages or other Buildings, for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments, (not exceeding in the whole Ten Statute Acres,) in such Place or Places as shall be deemed eligible or convenient for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purpose of receiving, lodging, depositing, or keeping any Coals, Merchandize, or other Articles or Things carried or conveyed or intended to be carried or conveyed upon the said Railway or Tramroad and Branches, or for making any convenient Roads, Avenues, or Ways leading thereto; or for any other Purposes whatsoever connected with the said Railway or

Power to purchase Land for Wharfs, &c.

or Tramroad and Branches, which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tramroad and Branches: Provided always, that any Land or Lands so to be purchased as aforesaid shall not be situated on the South Side of the said Turnpike Road leading from *Liverpool to Warrington*.

Power to sell
Land, and
purchase
again.

XLVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments, as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Body or Bodies or Person or Persons who shall be willing to become the Purchaser or Purchasers thereof; and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company for any of the Purposes herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Restraining
the Company
from pur-
chasing more
than Ten
Acres of Land
from incapa-
citated Per-
sons, &c.

XLVIII. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Railway or Tramroad and Branches; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole,

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

XLIX. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of this Act, the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to have the Force and Operation of express Covenants to the Grantee or Grantees or other Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, freed from all Incumbrances committed by the said Company, for quiet Enjoyment thereof against the said Company and their Successors and all claiming under them, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express

[Local.]

8 Z

particular

The word "grant," in Conveyances made by the Company to amount to certain Covenants.

particular Words contained in such Conveyances, or any of them; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action or Actions to be brought assign a Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

For supply-
ing Deficien-
cies in the
Land Tax.

L. And whereas, by reason of taking down Houses and Buildings and making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments for such Parishes or Townships.

Company
may proceed
on the pass-
ing of the
Act.

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

Power to
raise a Capi-
tal of 53,000l.

LII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum or Sums of Money for making and completing the said Railway or Tramroad and Branches, and the Inclined Planes, Ways, Wharfs, Staiths, Yards, Bridges, and other Works and Conveniences, and for the general Purposes of this Act, not exceeding in the whole the Sum of Fifty-three thousand Pounds; and the same shall be divided into Five hundred and thirty Shares of One hundred Pounds each; and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Share shall always be distinguished by the Number to be applied to the same;

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

LIII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Shares to be deemed Personal Estate.

LIV. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards making and maintaining the said Railway or Tramroad and Branches and other Works hereby authorized to be made, and for other the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or their Directors, in manner herein-after mentioned; and in case any Person or Persons shall refuse, or neglect, to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity, together with Interest on such Sum or Sums of Money, at the Rate of Five Pounds *per Centum per Annum*, from the Time when the same was directed to be paid by the said Company or their Directors as aforesaid.

To compel Payment of Subscriptions.

LV. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled

Subscribers to be deemed Proprietors.

to

to and be in the actual Possession of One or more Share or Shares of the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in the Stated and Special General Meetings to be held as herein-after appointed for carrying on the said Undertaking or relating thereto.

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

LVI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Undertaking shall be given or sent to such Person whose Name shall so stand first in the Books of the said Company; and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notice is intended to be given; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote or Votes for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

A List of the Proprietors to be kept by the Clerk of the Company.

LVII. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books to be kept and provided for that Purpose, enter and keep or cause to be entered and kept a true Account of the Places of Abode of the several Proprietors of Shares in the said Undertaking, and of the several Persons who shall from Time to Time become Proprietors of or be entitled to any Share or Shares therein; and every Proprietor of Shares in the said Undertaking shall at all convenient Times have recourse to, peruse, and inspect the same *gratis*, and may demand and have a Copy or Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if such Clerk shall refuse to permit or shall not permit any such Proprietor to inspect or peruse any such Book or Books at all convenient Times and Seasons, or shall refuse to make any such Copy or Copies within a reasonable Time and at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds, to be paid and applied for the Benefit of the said Undertaking.

Votes may be given in Person or by Proxy.

LVIII. And be it further enacted, That every Proprietor entitled to vote at the said Stated and Special General Meetings of the said Company shall and may give his, her, or their Vote or Votes either in Person or by Proxy, every such Proxy being duly constituted under the Hand or Hands (or Common Seal, if a Corporation,) of every such Proprietor, and every such Proxy being also a Proprietor of the said

said Undertaking; and such Vote or Votes by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person; the Appointment of which Proxies may be made according to the Form or to the Effect following; (that is to say,)

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

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

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

LX. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required at their First or some subsequent General Meeting to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares which they are then respectively entitled to hold, and the Amount of the Subscription paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and also shall cause a Certificate or Ticket, Names of Proprietors to be entered in a Book, and Certificates delivered to them.

[Local.]

Ticket,

Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk of the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

‘ The *Warrington and Newton Railway Company*.
 ‘ Number
 ‘ THESE are to certify, That _____ of _____
 ‘ is a Proprietor of the Share or Number _____ in the
 ‘ *Warrington and Newton Railway*, subject to the Rules, Regulations,
 ‘ and Orders of the said Company; and that the said
 ‘ his [*or her*] Executors, Administrators, [*or Successors,*] and Assigns,
 ‘ is and are entitled to the Profits and Advantages of such Share.
 ‘ Given under the Common Seal of the said Company, the
 ‘ Day of _____ in the Year of our Lord _____.’

In case Certificates are destroyed, others may be given.

LXI. And be it further enacted, That if any of such Certificates or Tickets as aforesaid shall be worn out or damaged, then upon the same being brought and shewn at some General Meeting of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given under the Seal of the said Company to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that Time vested, and in his, her, or their Name or Names; or in case such Certificates or Tickets shall be burnt or totally destroyed, then, upon due Proof thereof, like Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so burnt or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be made by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

Power to raise Money by Mortgage.

LXII. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Railway or Tramroad and Branches and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company from Time to Time to raise any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds, by Mortgage of the said Undertaking; and it shall be lawful for the said Company, by an Order of any General Assembly of the said Company, to borrow and take up at Interest

all or any Part of the said Sum of Twenty thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company, or the Directors of the said Company, after an Order of any General Assembly, are hereby fully authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say,)

‘ **BY** virtue of an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, the Warrington and Newton Railway Company, incorporated by and under the said Act, in consideration of the Sum of _____ to us in hand paid by _____ of _____, do assign unto the said his [*or her*] Executors, Administrators, and Assigns, the said Railway, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, and to the same, to hold unto the said his [*or her*] Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same after the Rate of _____ for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal, this _____ Day of _____ in the Year of our Lord One thousand eight hundred _____ and _____

Form of Mortgage.

And all and every Person and Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Railway, or other Persons interested therein, without Fee or Reward.

No Priority of Mortgages.

Memorials of Assignments to be entered.

LXIII. And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever; which Transfer shall and may be made in the Words or to the Effect following; (that is to say,)

Power to transfer Mortgages.

I [*or*

Form of
Transfer of
Mortgage.

I [or We] of in consideration
of the Sum of paid by of
do hereby transfer a certain Mortgage, made by
the Company of Proprietors of the *Warrington and Newton Rail-*
way to , bearing Date the Day of
, for securing the Sum of and Interest,
and all my [or our] Right and Property therein, to the said
his [or her or their] Executors, Administrators,
and Assigns. Dated this Day of in the
Year of our Lord One thousand eight hundred and

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

Interest on
Mortgages to
be paid half-
yearly.

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

Mortgagees
not to vote.

LXV. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred

ferred as aforesaid shall be deemed capable of acting or voting as such, either as Principal or by Proxy, at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment.

LXVI. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied in the first place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway or Tramroad and Branches, Ways, Wharfs, Staiths, Warehouses, Tunnels, Bridges, Reservoirs, and other Works, and other the Purposes of this Act. Application
of Money
raised.

LXVII. And be it further enacted, That the said Company of Proprietors shall meet together at the *Nag's Head Inn* in *Warrington* or at some other convenient Place in *Warrington* aforesaid, within Two Calendar Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First General Meeting of the said Company there shall be a General Meeting of the said Company on the First *Thursday* in the Month of *June* in each and every Year, or within the Space of Ten Days next afterwards; and also such and so many Special General Meetings of the said Proprietors as shall be called as herein-after provided; of which said General Meetings and Special General Meetings Fourteen Days public Notice at least shall be given by Advertisement in some one or more Newspaper or Newspapers usually circulated in the said County Palatine of *Lancaster*, and which said Notice shall specify the Purpose for which any such Special General Meeting is called; and such General Meetings or Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient. General
Meetings.

LXVIII. And be it further enacted, That Ten or more Proprietors of the said Undertaking, holding in the Aggregate One hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands left at the Office of the Clerk of the said Company, or given to any Director of the said Company, or left at his last or usual Place of Abode, require the Directors to call a Special General Meeting, so as such Requisition fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Seven Days next after such Notice given as aforesaid, the same may be called by such Proprietors by giving Fourteen Days Notice thereof in some one or more Newspaper or Newspapers printed or circulated in the said County; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Special
General
Meetings
may be
called.

[Local.]

9 B

Execution

Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same; but no Business shall be done at any Special General Meeting other than the Business for which it shall have been called.

Proprietors
or Proxies of
One hundred
Shares to be
present at
General
Meetings
when certain
Acts are to
be done.

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

Power for
General or
Special Meet-
ings to make
Bye Laws.

LXX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time at any such General or Special Meeting as aforesaid to make such Rules, Orders, and Bye Laws as to them shall seem right and proper for the good Government of the said Undertaking, and for regulating the Proceedings of and making Allowances or Remuneration to their Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for regulating the Use of the said Railway, and for the Superintendance, Regulation, and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Rules, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Company present at such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any single Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, shall be hung up and fixed on the Front of the several Toll Houses to be erected on the said Railway and Wharfs, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall

shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained.

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

General Meeting may call for Accounts.

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

Appointment of Directors.

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

For supplying Vacancies in the Direction.

LXXIV. And be it further enacted, That the said Company shall at their First General Meeting, or at some Adjournment thereof, elect and choose a Treasurer or Treasurers and Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General or Special Meeting to be holden as herein-before directed from Time to Time to remove and displace such Treasurer or Treasurers and Clerk, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices, and shall also from Time to Time elect, choose,

General Meeting may appoint a Treasurer and Clerk.

Treasurer to give Security before he enters upon his Office.

choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers and Clerk of the said Company in the Room of such of the said Officers as shall happen to die, or to resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries and other Emoluments to the said Officers, or any of them, as at any such General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

LXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or of the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

LXXVI. And be it further enacted, That in case any such Treasurer or Treasurers or Clerk shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their said Stated or Special General Meetings, or for the Directors of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next Stated or Special General Meeting of the said Company, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit and proper Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such Stated or Special General Meeting shall think proper; and all such Acts of the said Directors shall be conclusive,

clusive, unless revoked by the next General Meeting holden next after such Acts as aforesaid.

LXXVII. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General or Special Meetings; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present (the whole Number present not being in any Case less than Five); and such Directors shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, in contracting for and in purchasing Messuages, Tenements, and other Hereditaments, and Materials, for the Use of the said Undertaking, and in making Contracts for the Construction of the said Railway, Branches, and other Works, or any Part thereof, and in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing, or displacing any Officer, Engineer, Agent, Servant, and Workmen of the said Company, (except the Treasurer or Treasurers and Clerk, herein-before directed to be appointed by a General Meeting of the said Company,) with such Salary, Gratuity, or Recompence as to the said Directors shall seem proper, and in making all Contracts and Bargains touching the said Undertaking; and the said Directors may require and take such Security to be given to the said Company from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person, for the faithful Execution of their respective Contracts and Duties, as they may think proper or reasonable; and no Director (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Meeting of the said Directors, except the Chairman, who in case of an equal Division shall always have a second or casting Vote, although he may have given One Vote before.

Powers and
Duties of
Directors.

LXXVIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company by Writing under their Common Seal, make out and deliver to the said Company, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and as and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof,

Officers to
account.

[*Local.*]

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thereof,

thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Company or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Company, or by any Person on their Behalf, to any Justice of the Peace for the said County Palatine of *Lancaster*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of or for the said County Palatine of *Lancaster*, there to remain without Bail or Mainprize until he shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company, (and which Composition the said Company are hereby empowered to make,) and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Proceedings
of Meetings
to be entered
in a Book.

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

deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

LXXX. And be it further enacted, That the said Company or their Committee shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Proprietors in the said Undertaking, or any Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Proprietors in the said Undertaking and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit the said Proprietors or such Creditors, or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

Account to be kept of Receipts and Disbursements.

LXXXI. And be it further enacted, That the Clerk to the said Company shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep, or cause to be entered and kept, a perfect and true Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or to be entitled to any Share or Shares therein; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk to the said Company shall not permit or shall refuse to permit any Proprietor to inspect or peruse any such Book or Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Names and Places of Abode of Proprietors to be entered in a Book, which shall be open to Inspection.

LXXXII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Six Weeks at the least from each other; and Ten Days

Power to make Calls.

Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some one or more Newspaper or Newspapers printed or circulated in the said County; which Monies so called for shall be paid to such Person or Persons and in such Manner as the Directors shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Directors shall from Time to Time order and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable proportionable Part or Share of the said Money so called for as aforesaid to the Person or Persons at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may and they are hereby authorized at a General Meeting to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls as aforesaid to be forfeited; and all Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and shall be assigned by Writing under the Common Seal of the said Company unto the Purchaser or Purchasers thereof; and the Produce of such Sales shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer to the said Company shall have been given or sent by the Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some Stated or General Special Meeting of the said Company which shall be held after the End of Two Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

If Calls are not paid, Company may sue for them;

or may declare the Shares forfeited, and sell them.

No Advantage to be taken of Forfeiture, without Notice.

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

LXXXIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or their Directors shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be deemed sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all and every such Call or Calls, and the Interest and Expences attending the same, any Share or Shares so vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share

Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

LXXXIV. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money, as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due in respect of such Call or Calls, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Six Weeks from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

How Actions may be brought against the Proprietors of Shares.

LXXXV. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer of the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, and Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, Suit, or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore further enacted, That in all the Cases aforesaid, where the Right and Property in any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof in Form and Manner herein specified, on an Affidavit being made and sworn to by One or more credible Person or Persons before

For ascertaining the Proprietorship of Shares in certain Cases.

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One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Affidavit shall be delivered to and left with the Clerk to the said Company, to the Intent that he may preserve the same and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking, to be kept by the Clerk to the said Company; and in all or any of the said Cases, after Ten Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money so to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Subscribers and Proprietors at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in manner by this Act directed, or otherwise shall become consolidated in the general Funds of the said Company.

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

LXXXVI. And be it further enacted, That in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the then last Place of Abode of the Executors or Administrators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the Person or Persons appearing in the Book of the said Company to have been then last possessed of the same; and in case any Subscriber or Subscribers, or his, her, or their Executors or Administrators, or Assignees or Trustees, shall go out of the Kingdom of *England*, such Notice shall be inserted in the *London Gazette*; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited in manner aforesaid, except only that in case of the Subscriber or Subscribers, his, her, or their Executors or Administrators, or Trustees or Assignees, being Abroad as aforesaid, the Share or Shares shall not be forfeited until after the Expiration of Six Calendar Months next after the Day on which such Notice as aforesaid shall have been inserted in the *London Gazette*.

No Proprietor in arrear to vote till the Call is paid.

LXXXVII. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Company, either personally or by Proxy, until such Time as he shall have paid all such Arrears as may be then due from him in respect of such Calls as aforesaid.

LXXXVIII. And be it further enacted, That the said Directors shall keep or cause to be kept regular Minutes or Entries of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Controul of the said General and Special Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

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

LXXXIX. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint, out of their own Body, One or more Committee or Committees, who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all such other Matters and Things whatsoever in and about the said Undertaking which the said Directors are themselves herein-before authorized to do, or such of them as the said Directors shall think proper to entrust to the Care and Management of such Committee or Committees (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors for the Time being to order and direct such Expences to be paid to the Committee or Committees from Time to Time as the said Directors shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee or Committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Directors shall think proper and expedient; and such Committees shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Directors be vested in any such Committee or Committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, and at all Meetings of such Committees respectively the whole Number present not being more than Three; and One of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes; and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before: Provided always, that no Person shall be qualified to be nominated or appointed to be a Director, nor to serve or act as a Member of the said Committee, who shall hold any Place of Profit or be concerned or interested in any Contract or Contracts under the said Company or their Directors, or shall be a Dealer, either directly or indirectly, in any Article, Matter, or Thing used by the said Company or their Directors (except in Coals for supplying Steam Engines used on the said Railway).

Power for Directors to appoint Committees.

XC. And

Shares may
be sold.

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

Form of Con-
veyance.

‘ I of in consideration of
‘ paid to me by , do hereby assign and transfer
‘ to the said Share, [or Shares, as the Case may be,]
‘ numbered of and in the Undertaking called “ The
‘ Warrington and Newton Railway,” to hold unto the said
‘ his or her Executors, Administrators, and Assigns, subject
‘ to the same Rules, Orders, and Regulations, and on the same Con-
‘ ditions, as I held the same immediately before the Execution
‘ hereof; and I the said do hereby agree to accept
‘ and take the said Share [or Shares] subject to the same Rules,
‘ Orders, Restrictions, and Conditions. As witness our Hands and
‘ Seals, the Day of One thousand eight hundred
‘ and

Memorial of
Sale to be
entered by
the Clerk.

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

No Share to
be sold till
Calls are
paid.

Xci. Provided always, and be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made by the said Directors for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

Xcii. And

XCII. And, in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company of Proprietors or their Directors shall and they are hereby required, from the Time of passing this Act, to cause a true, exact, and particular Account to be kept, and annually made up and balanced in the Month of *June* in each Year, of the Money collected or received by the said Company or their Directors, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or their Directors; and at the General Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Yearly Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the General Yearly Meeting which shall be holden next after the Expiration of Twelve Calendar Months from the passing of this Act: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired; nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Accounts to be made up annually.

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

Directors empowered to make Dividends.

XCIV. And whereas by the Marriage or Death of Proprietors of Shares in the said Undertaking it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Shares, on an Affidavit (or solemn Affirmation by any Person of the Society of Quakers) in Writing, containing a Copy of the Register of such Marriage, being made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk to the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers of Sales of Shares in the said Undertaking; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be

Acquisition of Shares by Marriage, &c. of Proprietors.

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entitled

entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate Copy thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or the Letters of Administration of the Intestate, shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, on an Affidavit or solemn Affirmation in Writing being made and sworn or solemnly affirmed to by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Books or List of Proprietors of the said Undertaking; and the Clerk to the said Company shall be entitled to receive for each and every of such Entries as is herein-before directed the Sum of Two Shillings and Sixpence, and no more.

Receipt of
One of joint
Proprietor of
Shares to be
sufficient.

XCV. And be it further enacted, That the Receipt or Receipts of the Person or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company for any Dividend or Dividends, Sum or Sums of Money, which shall become due and payable and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled, conveyed, or assigned.

Receipt of
Parent or
Guardian of
a Minor suffi-
cient.

XCVI. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor in the said Undertaking who shall be a Minor or under the Age of Twenty-one Years, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Rates of Ton-
nage to be
taken.

XCVII. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tramroad and Branches and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask,
demand,

demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage of all Goods, Wares, and Merchandize; and other Articles, Matters, and Things, which shall be carried or conveyed upon or along the said Railway or Tramroad and Branches, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

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

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

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

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

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

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

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

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

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

And

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

Power to take Tolls for Coaches and other Carriages passing along the Railway.

XCVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Landaus, Gigs, Waggons, Carts, or other Carriages which shall be used on the said Railway or Tramroad and Branches, or any Part thereof, for the Conveyance of Passengers or Cattle, the several Tolls herein-after mentioned; (that is to say,)

Tolls.

For every Person passing in or upon any such Carriage, not drawn or propelled and provided by and at the Expence of the said Company, the Sum of Two-pence Halfpenny *per* Mile:

For every Person passing in or upon any such Carriage, drawn or propelled and provided by and at the Expence of the said Company, the Sum of Three-pence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Cattle, carried in or upon such Carriage, not drawn or propelled and provided by and at the Expence of the said Company, the Sum of Two-pence *per* Mile:

For every Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Cattle, carried in or upon such Carriage, drawn or propelled and provided by and at the Expence of the said Company, the Sum of Three-pence *per* Mile:

For every Calf, Sheep, Lamb, or Pig passing in or upon such Carriage, not drawn or propelled and provided by and at the Expence of the said Company, the Sum of One Halfpenny *per* Mile:

And for every Calf, Sheep, Lamb, or Pig passing in or upon such Carriage, drawn or propelled and provided by and at the Expence of the said Company, the Sum of One Penny *per* Mile.

Regulations as to the fractional

XCIX. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton on the gross Weight of the Loading in or

or upon any Waggon, Cart, or other Carriage, or Train of Waggons, Carts, or other Carriages, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter; and in all Cases where there shall be a Fraction of a Halfpenny in the Amount of the said Rates, Tolls, and Duties, or any of them, such Fraction shall be deemed and considered as a whole Halfpenny; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tramroad and Branches, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile which the said Waggon, Cart, or other Carriage shall have passed, and where there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a whole Quarter of a Mile.

Part of a Ton
or Mile.

C. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed along the said Railway or Tramroad and Branches for so short a Distance that the Rate or Sum of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to the Sum of Sixpence *per* Ton, the said Company shall be at liberty, and they are hereby authorized and empowered, to demand and receive the Sum of Sixpence *per* Ton thereon, provided the Weight shall be One Ton or more, and if less than a Ton, it shall still be deemed to be a Ton, and chargeable with Sixpence as if the same were a Ton in Weight, any thing in this Act contained to the contrary thereof notwithstanding.

The Com-
pany not to
be compelled
to receive
less than
Sixpence per
Ton for short
Distances.

CI. Provided always, and be it further enacted, That none of the Tonnage Rates hereby authorized to be levied shall be taken for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Sand, Gravel, Stone, Bricks, Timber, Wood, or other Materials for repairing any of the Highways in the Township of *Winwick-with-Hulme*, or Hay, Straw, Corn in the Straw, Potatoes, or other Produce of Land, not bought, sold, or disposed of, but passing to be laid up in the Outhouses or on the Lands of the Owners thereof in the said Township of *Winwick-with-Hulme*; nor for any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry to be used for the Cultivation of Lands in the said Township of *Winwick-with-Hulme* or any Mould, Dung, Marl, Compost, Grey Salt, or other Manure of any Kind whatsoever, or Lime to be used in Husbandry only, to be employed in manuring Lands in the said Township of *Winwick-with-Hulme*; nor for any Carriage, Horse, or other Cattle which shall or may be made use of by any Tenant or Tenants of the Rector of *Winwick* for the Time being in the drawing or carrying of any Corn,
[Local.] 9 F Grain,

Exemptions
from Ton-
nage Rates.

Grain, Meal, or Flour grown within the said Township of *Winwick-with-Hulme*; to or from their respective Houses to the Corn Mill or Mills of the said Rector within the said Township of *Winwick-with-Hulme* only; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend to exempt the Owners or Occupiers of Lands in the said Township of *Winwick-with-Hulme* from the Payment of the several Rates hereby authorized to be collected by the said Company, as to any of the Articles, Matters, or Things in respect of which such Exemption is granted, where any of the Cattle or Carriages employed in drawing or carrying the same shall belong to or be propelled by the Power used and belonging to the said Company.

Proviso.

Stones or Marks to be put up describing Distances.

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

Table of Tolls to be put up.

CIII. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act the said Company of Proprietors or the said Directors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Rates of Tonnage payable at every such Gate, distinguishing the several Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

For preventing Toll Collectors from taking undue Toll, or otherwise misbehaving.

CIV. And be it further enacted, That every Collector of the Rates to be received by the said Company by virtue of this Act shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Stop Gate, Toll Gate, or Toll House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth

in proportion, painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading the Inscription on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Rates or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Waggon or other Carriage, or prevent any Person or Persons from passing along the said Railway or Tramroad and Branches entitled so to do, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

CV. And for better ascertaining and more easily collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners or Person or Persons having the Care of every Waggon or other Carriage passing upon or along the said Railway or Tramroad and Branches, or upon any Part thereof, shall give an exact and true Account in Writing, signed by him, her, or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such his, her, or their Waggon or other Carriage, and, with respect to such Waggon or other Carriage, from whence brought and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or to produce his, her, or their Bill of Lading, to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to evade the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the County Palatine of *Lancaster*, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage, of which such Account shall be fraudulently delivered out as aforesaid (as the Case shall happen to be), over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

For better
ascertaining
Rates due.

CVI. Pro-

For settling
Disputes
concerning
Rates.

CVI. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the said County Palatine of *Lancaster*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, by the Party or Parties to whom the said Justice shall award the same, or his Agent, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Power to
weigh and
gauge Goods,
&c.

CVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Neglect or Refusal of Payment thereof, upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any One Justice of the Peace for the County Palatine of *Lancaster*, on the Oath of any credible Witness, to have arisen from such Detention; and in default of immediate Payment thereof by the Collector, the same may be recovered by Distress and Sale of the Goods and Chattels of the said Company or of the said Collector, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company.

Power to re-
duce Rates.

CVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Meeting of the said Company,

Company, from Time to Time and as often as they shall think fit, to lessen or reduce all or any of the Rates, Tolls, and Duties hereinbefore authorized to be taken for or in respect of all or any of the Articles, Matters, or Things hereinbefore specified or mentioned, which shall be conveyed upon the said Railway or Tramroad and Branches, or any Part thereof, and afterwards from Time to Time again to raise, advance, and vary the same, so as not at any Time to exceed the Amount hereinbefore set forth and authorized to be collected.

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

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

CX. And whereas the Owners, Proprietors, or Lessees of any Coal Mines situated upon the Line of or near to or communicating with the said Railway or Tramroad and Branches, may be induced to make Branch Railways to connect with the said Railway or Tramroad and Branches hereby authorized to be made, on having Leases of the Tolls or Dues payable on or in respect of the Coals by them respectively put upon or carried on the same Railway; be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing under their Common Seal, at any Time or Times, to grant a Lease or Leases to any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of Coal Mines, of the Rates, Tolls, or Duties chargeable for all Coal to be brought by such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and carried on the said Railway or Tramroad and Branches, for any Term or Time which the said Company shall think proper, not exceeding Twenty-one Years from the Commencement of any such Lease, and at such Rates or Rents, and payable at such Times, and upon such Terms, as the said Company shall think fit; and such Leases shall be valid and effectual in Law; provided public Notice of the Intention to grant any such Lease be given in Writing by the Clerk to the said Company by Advertisement in some Newspaper published in the said County Palatine of *Lancaster*: Provided always, that no such Lease so authorized as aforesaid shall be made to any other Person or Persons than the actual Owners, Proprietors, or Lessees of Coal Mines.

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

CXI. And be it further enacted, That it shall be lawful for the Directors for the Time being of the said Company, by Writing under the Common Seal of the said Company, at any Time or Times to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the

Power to farm the Rates.

[*Local.*]

9 G

said

said Railway or Tramroad and Branches, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee and Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Directors, or any Three or more of them, or by the Clerk of the said Company of Proprietors, by Advertisement to be inserted in some Newspaper printed or circulated within the said County Palatine of *Lancaster*, or by Notice to such Proprietors as aforesaid, at least Twenty Days prior to any Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Company
may carry
Goods, or
Persons,

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

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

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

the Price or Prices, Sum and Sums of Money, so allowed to be taken for the Carriage of all and every such Parcel and Parcels, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railway or Tramroad and Branches, or any Part thereof; and in case any Owner or Master or other Person belonging to any Waggon or other Carriage passing upon the said Railway or Tramroad and Branches, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or Persons as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Matters or Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed as herein-before mentioned.

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

Penalty on
Persons
defacing
Boards.

CXV. And be it further enacted, That the Rate of Tonnage herein-before authorized to be demanded and taken, and also the several other Rates and Duties by this Act granted to the said Company, shall be paid to such Person or Persons, at such Place or Places at, upon, or near the said Railway or Tramroad and Branches, in such Manner and under such Regulations as the said Company at some General or Special Meeting or Meetings, or as the said Directors, shall, by Notice to be annexed to the Account or List of Tonnage or Rates and Duties, direct and appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere; or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, may and he and they is and are hereby empowered to seize the Goods and Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof; and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, together with the reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the Person or Persons making such Seizure, Detention, and Sale, or the said Company, shall not be accountable for any accidental Loss, Injury, or Damage which
may

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

may accrue to the same Goods, Horses, Cattle, Waggon, or other Carriages and other Things, in consequence of such Seizure, Detention, and Sale.

Company to draw Coal along the Railway without any Preference.

CXVI. Provided always, and be it further enacted, That after any locomotive Steam Engine shall be used and employed on the said Railway or Tramroad and Branches, and for and during such Periods only as the same shall be so used or employed, the said Company shall and they are hereby required to draw or propel along the said Railway or Tramroad and Branches respectively, by Steam Engines or other adequate Power, all such Coal as shall be offered to the said Company for that Purpose, in the Order and Rotation in which the same shall be so tendered or offered, and without any Preference or Priority of one Person's Coal over another Person's, or without Preference of Goods or any other Articles before Coal or other Produce of Mines, the said Company charging, receiving, and recovering for the drawing or propelling of such Coal the Rate and Toll hereby authorized to be taken for and in respect of Coal to be drawn or propelled by the Engines of the said Company, and returning the empty Waggon Toll-free to the Point or Place whence the same were originally delivered.

Railway not to be used as a Footpath.

CXVII. And whereas it might be very injurious to the said Railway and the Works thereof, and inconvenient and dangerous to the Public, if the said Railway or Tramroad and Branches were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person or Persons shall travel on Foot upon the said Railway or Tramroad and Branches, or either of them, without the Licence and Consent of the said Company, (except for the Purpose of attending any Waggon, Cart, or Carriage under his or their Care, and also except the Owners or Occupiers of any of the Lands or Grounds adjoining the said Railway or Tramroad and Branches, their Families, Agents, or Servants, in passing across or along the same for the necessary Occupation of the respective Lands or Grounds through which the said Railway may be made,) every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings, to be levied and recovered in manner as other Penalties are by this Act directed to be levied and recovered.

Owners of Waggon to give an Account of Lading.

CXVIII. And for the better ascertaining and more easily collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners or Person or Persons having the Care of every Waggon or other Carriage passing upon the said Railway or Tramroad and Branches, or upon any Part thereof respectively, shall give an exact and true Account in Writing, signed by him, her, or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such his, her, or their Waggon or other Carriage, and, with respect to such Waggon or other Carriage, from whence brought and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of

different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he, she, or they shall neglect or refuse to give and deliver such an Account, or to produce his, her, or their Bill of Lading, to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to evade the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the said County Palatine of *Lancaster*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage, of which such Account shall be so refused to be given, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, (as the Case shall happen to be,) over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

CXIX. And for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight; and that Twenty such Hundred Weight shall be deemed, rated, or estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber, it is hereby declared that Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall for the Purposes of this Act be deemed, rated, or estimated as for One Ton Weight; any Usage to the contrary notwithstanding.

Weight of
Tonnage as-
certained.

CXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, or any Tollkeeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things therein or thereon, it shall be lawful for any such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Neglect or Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account

If any Dif-
ference arises
concerning
Weight, Col-
lector may
weigh or
measure
Waggon.

[*Local.*]

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appear

appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the said County Palatine of *Lancaster*, on the Oath of any credible Witness, to have arisen from such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company or by such Collector or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company or to the said Collector or other Officer as aforesaid (as the Case may be).

Names of
Owners of
Waggons,
&c. to be en-
tered with
the Clerk.

CXXI. And for the better Regulation of the Owners of the Waggons and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing along the said Railway or Tramroad and Branches shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number and Weight of his, her, or their Waggon or other Carriage, to be entered with the Clerk or principal Agent of the said Company, and shall also cause such Name or Names and Number and Weight to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at the least, and of a proportionate Breadth, on each Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured, at the Expence of the said Company, whenever it shall be required by them or any Person or Persons by them appointed for that Purpose; and every Owner or Owners or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or Tramroad and Branches, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively as hereinbefore directed, or who shall alter, erase, or deface such Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

CXXII. And

CXXII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad and Branches shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tramroad and Branches, or any Part thereof respectively, or to any Bridges, Engines, Reservoirs, and other Works or Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses, pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster* or elsewhere; and if a Verdict or Judgment shall be given against him or her, either on Proof or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners of
Waggons to
be answer-
able for
Damage done
by their
Waggons.

CXXIII. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tramroad and Branches shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any wilful Act or Neglect or Default of his, her, or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, on Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, although demanded, such Oath to be made before some Justice of the Peace for the said County Palatine of *Lancaster*, the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such

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

such Servant or Servants, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants to the Common Gaol or House of Correction for the County Palatine of *Lancaster*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Penalty for obstructing the Passage on the Railway.

CXXIV. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railway or Tramroad and Branches, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Tramroad and Branches, or any Part thereof respectively, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty for destroying Works.

CXXV. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal, carry or take away any Part of the said Railway or Tramroad and Branches or other Works to be erected and made by virtue of this Act, every Person so offending; and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or in mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty for Waggon remaining on the Railway.

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

CXXVII. And be it further enacted, That the said Company of Proprietors shall at their own Expence, Costs, and Charges, after any Part of the said Railway or Tramroad and Branches shall be laid out and formed, make, erect, and set up, or cause to be made, erected, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway or Tramroad and Branches, and also all Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages, over and under or by the Side of the said Railway or Tramroad and Branches, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County Palatine of *Lancaster* shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway or Tramroad and Branches shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Proprietors thereof from estraying or escaping thereout, by reason of such Railway or Tramroad and Branches, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, and themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be erected and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or Tramroad and Branches, or any Buildings or other Things hereby authorized to be made or erected by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired and maintained, such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company, or their Clerk for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands,

Company to erect Gates, &c. where necessary.

[Local.]

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and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering unto the said Company the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Owners of Lands empowered to erect Gates on Insufficiency of those erected by the Company.

CXXVIII. Provided always, and be it further enacted, That if the Owner or Occupier of any Lands or other Hereditaments through which the said Railway or Tramroad and Branches shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tramroad and Branches shall pass, then, and so often and in any such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Twenty Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or other like Construction or Form with those made and erected by the said Company, in, upon, along, or near to the said Railway or Tramroad and Branches, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railway or Tramroad and Branches be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, and Passages had been made or erected by the said Company.

Owners and Occupiers of Lands may pass on the Railway.

CXXIX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad and Branches shall be made, and his, her, and their Servants, Workmen, and Cattle, at all Times to pass and repass over and across such Part of the said Railway or Tramroad and Branches as shall be made in and upon the said Lands or Grounds respectively, and also along the said Railway or Tramroad and Branches as far only as the Lands in his, her, or their Ownership or Occupation shall extend, for the Purpose of occupying, visiting, or inspecting the same Lands, such Person or Persons not damaging or obstructing the said Railway or Tramroad and Branches,

or the Passage thereof, without Payment of any Toll or Tonnage for the same.

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

Passage on Railway to be free on Payment of Tonnage.

CXXXI. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad and Branches with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company (which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on the said Railway or Tramroad and Branches) for collecting of the Rates and Tolls by this Act imposed (except in crossing, re-crossing, or passing along the same for the convenient Occupation of the adjacent Grounds, or passing on any public or private Carriage Road which may happen to cross the said Railway or Tramroad and Branches); and if any Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad and Branches with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

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

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

Limiting the Weights to be carried on the Railway.

Railway or Tramroad and Branches (including the Weight of such Waggon or Carriage) more than Six Tons Weight.

For fencing
the Railway
through pri-
vate Lands.

CXXXIII. And be it further enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway or Tramroad and Branches and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad and Branches and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tramroad and Branches and other Works, or any of them, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of Gates being erected as aforesaid; and the said Company shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands or Grounds, and not towards the said Railway or Tramroad and Branches; and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid, shall extend and apply to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were here repeated and re-enacted with respect to such Fences.

Gates to be
shut after
passing
through
them.

CXXXIV. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway or Tramroad and Branches shall, and he, she, and they is and are hereby directed and required, as soon as he, she, or they, and the Waggon or other Carriage, shall have passed through the same, to shut and fasten the same Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say,) Half thereof to the Poor of the Township or Parish where such Offence shall be committed, and the other Half to and for the Purposes of this Act.

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

CXXXV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners of any Land or Ground lying adjoining or near to the said Railway or Tramroad and Branches, from making any Tramroads, Railways, common Roads, or Watercourses to, from, or across the said Railway or Tramroad and Branches hereby authorized to be made, and to use such Tramroads, Railways, common Roads, or Watercourses for the Benefit of themselves, and all and every other Person and Persons to whom they may from Time to Time give leave, and in such Way and for such Purposes as they may require, so that such Tramroads, Railways, common Roads, or Watercourses do no Injury to and do not prevent the free Passage over and along the said Railway or Tramroad and Branches hereby authorized to be made by the said Company.

CXXXVI. And

CXXXVI. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway, Tramroad, and Branches, or any Part thereof, shall be made, to erect and use any Wharfs, Staiths, Depôts, Landing Places, Cranes, Weighbeams, or Warehouses, or other Erections and Buildings, in or upon his, her, or their respective Lands or Grounds adjoining the said Railway or Tramroad and Branches, or any of them, or to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway or Tramroad and Branches, or any Part thereof, and also to make and use proper and convenient Places for Waggon, Carts, and other Carriages to remain and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway or Tramroad and Branches; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Staiths, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall not be of less Amount than the Rates or Tolls which shall be taken by the said Company for the Wharfage of all Goods, Commodities, Articles, Matters, and Things loaded, landed, or placed in or upon the Wharfs of the said Company; and the same Rates or Tolls shall be and the same are hereby vested in the Lord or Lords, Lady or Ladies of such Manor, or other Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid, and his, her, or their Representatives.

Lords of Manors and others may erect Wharfs on their own Lands.

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

Rates to be paid to the Company for Goods placed on their Wharfs

For every Ton of Coals, Culm, Lime, Limestone, and other Minerals, Timber, Stone, Clay, Bricks, Tiles, Slate, Goods, Merchandize, or other Things, which shall be loaded, landed, or placed in or upon the said Wharfs, or any of them, and shall not continue thereupon for a longer Space of Time than Seventy-two Hours, any Sum not exceeding the Sum of One Penny *per* Ton, and so in proportion for any less Quantity than a Ton; and in case the said last-mentioned Articles, or any of them, shall be left and remain in and upon any of the Wharfs or Warehouses belonging to the said Company over and above or beyond the said Space of Seventy-two Hours, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of One Penny *per* Ton for the Wharfage, and Sixpence *per* Ton for the warehousing thereof, for the next or succeeding Week, and the like Sum of One Penny and Sixpence respectively *per* Ton for every further or subsequent Week such Articles shall remain upon the said Wharfs or Warehouses after the Expiration of the said first-mentioned Week, and so after that Proportion for any less Period than a Week:

Rates.

And it shall be lawful for the said Company from Time to Time to ask, demand, receive, and take, for the Use of the Cranes to be

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erected or made in pursuance of or under the Authority of this Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding for any Weight to be raised at One single Lift of the Crane, being less than Two Tons, the Sum of Sixpence *per* Ton; for any Weight to be raised at One single Lift, of Two Tons and less than Three Tons, the Sum of One Shilling *per* Ton; for any Weight to be raised at One single Lift, of Three Tons and less than Four Tons, the Sum of One Shilling and Sixpence *per* Ton; and so progressively advancing Sixpence *per* Ton on each additional Weight of One Ton to be raised at One single Lift of the Crane.

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

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

All Notices to be given by the Company to be signed by their Clerk or a Director.

CXXXIX. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing, signed by any One of the Directors, or the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

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

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

and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid); and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

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

If Railway is not completed in Six Years, Powers hereby given to cease.

CXLII. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear and unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, or absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days next after Demand thereof made

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

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in Writing, given or left at such Toll Houses, Weighing Machines, or Buildings, or at any One of such Toll Houses, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons (such Demand in Writing to be signed by any Two or more of the said Directors, although not assembled at a Meeting, or by the Clerk or Treasurer for the Time being of the said Company); or in case any such Lease, Agreement, or Contract shall in any Manner become void; then and in any of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*, upon Application made by the said Directors, or any Two or more of them, or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging; and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company, or any One of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Directors, or any Two or more of them, if they shall see fit, by a Minute to that Effect to be entered in the Book of Proceedings of the said Company, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes, save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part, as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Directors, or any Two or more of them, in every such Case, again to demise or lease to farm the said Tolls and Duties to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

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

CXLIII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

For compelling Witnesses to attend.

CXLIV. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice or Justices of the Peace, touching any Matter of Fact contained

tained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect, or appearing shall refuse to be examined upon Oath or (in case of a Quaker or Quakers on solemn Affirmation) to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

CXLV. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

CXLVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not otherwise particularly directed,) may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the said County Palatine of *Lancaster*, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath, Affirmation, or Confession such Justice is hereby authorized to administer or receive); and in default of immediate Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted; and one Moiety of the Penalties and Forfeitures when recovered shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Place wherein the Offence shall be committed, to be by them applied for the Use of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such

Recovery and Application of Penalties.

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Justice,

Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County Palatine of *Lancaster*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Ten Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid; and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County Palatine of *Lancaster*, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

Distress not
unlawful for
Want of
Form.

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

For securing
transient
Offenders.

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

For the sum-
mary Con-
viction of
Offenders.

CXLIX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall

and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say,)

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

Form of Conviction.

CL. And be it further enacted, That any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Directors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the said County Palatine of *Lancaster*, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature of the Matter thereof, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Complaint is intended to be made, or to the Clerk of the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

Allowing an Appeal.

CLI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be removed by Certiorari.

CLII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye

Authenticated Bye Laws to be Evidence.

Bye Laws, the Production of a written or printed Paper purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws, and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner by this Act directed, and, in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Railway or Tramroad and Wharfs in manner by this Act directed.

Limitation of
Actions.

CLIII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, and shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and shall be laid and brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, Defendant or Defendants, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

If the Rail-
way shall
cross the
Liverpool

CLIV. And be it further enacted, That in case the said Railway, or any Branch therefrom, authorized by this Act to be made, or any other Railway or other Road to be hereafter made for the Purpose of
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communicating or which shall communicate with the said Railway and Branches hereby authorized to be made, shall cross the *Liverpool* and *Manchester* Railway, the same shall be made, laid down, and constructed under the Direction and Superintendance of the Engineer for the Time being of the *Liverpool* and *Manchester* Railway Company, and shall be made and constructed in such Manner as not to injure the said *Liverpool* and *Manchester* Railway, nor obstruct or hinder the free Passage over, upon, and along the same.

and Manchester Railway, the same shall be constructed under the Direction of their Engineer.

CLV. And be it further enacted, That at every Place where the said Railway hereby authorized to be made, or any Branch therefrom, shall open upon or join the *Liverpool* and *Manchester* Railway, and also at every Place where any other Railway or other Road which may at any Time hereafter be made for the Purpose of communicating or which shall communicate with the Railway or Branches hereby authorized to be made shall open upon or join the *Liverpool* or *Manchester* Railway, a good and sufficient Gate shall be erected and kept in repair, so far as relates to the Gates to be set up on the Railroad or Branches hereby authorized to be made, by and at the Expence of the said Company hereby incorporated, and so far as relates to any other Road or Gate, by and at the Expence of the several Persons who shall make or erect the same; and all such Gates shall be kept constantly shut, except at such Times when Waggon, Carts, and other Carriages passing along the Railway hereby authorized to be made, or passing along any other Railway or other Road, shall have to cross the said *Liverpool* and *Manchester* Railway from the one to the other, and then shall be opened for the Purpose only of letting such Waggon, Carts, and other Carriages pass through; and further, that every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any Train of Waggon, Carts, or other Carriages, shall and he is hereby directed to cause the said Gates and each of them to be shut as soon as such Waggon, Carts, or other Carriages shall have passed through, under the Penalty of Five Shillings for every Offence, to be recovered in like Manner as the other Penalties under this Act are directed to be recovered.

Gates to be erected where the Railway or Branch shall open upon or join the *Liverpool* and *Manchester* Railway.

CLVI. And be it further enacted, That no Engine, Waggon, Cart, or other Carriage shall be driven or pass across the said *Liverpool* and *Manchester* Railway from or to the said Railway, or from or to the said Branches hereby authorized to be made, so as to stop, obstruct, interrupt, or delay the Passage of any Engine, Waggon, Cart, or other Carriage passing along the said *Liverpool* and *Manchester* Railway, nor until all Engines, Waggon, Carts, and Carriages, Cattle or other Things, going along that Part of the said *Liverpool* and *Manchester* Railway, being at the Time within Sixty Yards of such crossing Place, shall have passed; but in all Cases the said Engines, Waggon, Carts, or other Carriages so intended to be driven across the said *Liverpool* and *Manchester* Railway shall give place to and wait until the Engines, Waggon, Carts, and other Carriages going along that Part of the said *Liverpool* and *Manchester* Railway shall have passed by, under the Penalty of Ten Pounds for every such Engine, Waggon, Cart, or other Carriage so crossing or

Engines, &c. of the Company not to interrupt the Engines, &c. of the *Liverpool* and *Manchester* Railway.

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not waiting as aforesaid, and for every such Offence, to be recovered from the Owner of every such Engine, Waggon, Cart, or other Carriage in like Manner as other Penalties under this Act are directed to be recovered; and the Owner of every such Engine, Waggon, Cart, and other Carriage shall also be liable for all Damage, Loss, and Injury that shall be occasioned thereby to the said *Liverpool* and *Manchester* Railway, or to the Engines, Waggon, Carts, and other Carriages passing along the same, or to any Person or Persons, Cattle, Goods, Merchandize, Matters, and Things passing along the said Railway in the said Waggon, Carts, or other Carriages, or otherwise, by reason of crossing the said *Liverpool* and *Manchester* Railway in any other Manner than is herein-before directed, the same to be recovered by Action at Law in any of His Majesty's Courts of Record, with full Costs of Suit.

If any Canal is made from Sankey Brook Canal to Warrington, the same shall be agreed upon by Two Engineers.

CLVII. And be it further enacted, That in case the said Company of Proprietors of the *Sankey Brook* Canal shall at any Time hereafter, and pursuant to the Powers, if any, now vested in them for that Purpose, think proper to make any Canal or Cut from the said *Sankey Brook* Canal to the Town of *Warrington* aforesaid, or elsewhere, under, over, or across the said Railway or the Branches thereof, so as to intersect the same or the intended Line thereof, it shall or may be lawful for the said Company of Proprietors to carry such Canal or Cut under, over, or across the said Railway, or the intended Line thereof, at such Places and in such Manner as shall be agreed upon and directed by the Arbitration of Two Civil Engineers, or an Umpire between them (as the Case may be), one of such Engineers to be appointed by the said Company of Proprietors of the said *Sankey Brook* Canal, and the other by the said *Warrington* and *Newton* Railway Company; and the said Two Persons so appointed shall, before they proceed to the said Arbitration, name and appoint a Third Engineer as Umpire to decide between them; and in case the said *Warrington* and *Newton* Railway Company shall, after Fourteen Days previous Notice in Writing to that Effect to them given by the said Company of Proprietors or their Clerk or Agent, refuse or neglect to appoint such Engineer, or in case the said Two Engineers appointed as aforesaid shall not agree in naming an Umpire as aforesaid, then the said Company of Proprietors, their Clerk or Agent, shall apply to any Two of His Majesty's Justices of the Peace for the said County of *Lancaster*, who are hereby authorized and required to name and appoint such Arbitrator or Umpire, being a Civil Engineer (as the Case may be); and such Arbitrators, or any Two of them, shall direct, in Writing, such Measures as they shall think necessary to enable the said Company of Proprietors to cross the said Railway; and all Damage or Injury caused to the said Railway Company by the Execution of such Measures as shall be directed by the said Arbitrators or Umpire, and all Costs, Charges, and Expences of the said Reference and Arbitration, shall be paid by the said Company of Proprietors of the said *Sankey Brook* Canal.

Saving Rights of the *Liverpool* and *Man-*

CLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested

vested in the Company of Proprietors called the *Liverpool and Manchester Railway Company*, established in and by an Act passed in the Seventh Year of His present Majesty's Reign, intituled *An Act for making and maintaining a Railway or Tramroad from the Town of Liverpool to the Town of Manchester, with certain Branches therefrom, all in the County of Lancaster*; and also in and by another Act passed in the Eighth and Ninth Year of His said present Majesty's Reign, intituled *An Act for amending and enlarging the Powers and Provisions of an Act relating to the Liverpool and Manchester Railway*; and also in and by another Act passed in the Ninth Year of His said present Majesty's Reign, intituled *An Act to enable the Company of Proprietors of the Liverpool and Manchester Railway to alter the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating thereto*; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Sankey Canal Navigation* in and by an Act passed in the Twenty-eighth Year of the Reign of His Majesty King George the Second, intituled *An Act for making navigable the River or Brook called Sankey Brook, and the Three several Branches thereof from the River Mersey below Sankey Bridge, up to Boardman's Stone Bridge on the South Branch, to Gerard's Bridge on the Middle Branch thereof, and to Penny Bridge on the North Branch thereof, all in the County Palatine of Lancaster*; and also for adjusting the Measure of Coal to be brought down the said River or Brook, and sold within the Town of Liverpool in the said County; and also in and by an Act passed in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend and render more effectual an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, for making navigable Sankey Brook in the County of Lancaster, and for the extending and improving the said Navigation*; but saving and reserving to all such Bodies Politic or Corporate, and other Persons aforesaid, all their several and respective Rights, Privileges, and Franchises, and also saving and reserving all such Powers, Authorities, and Provisions in the said Acts respectively contained, as if this Act had not been passed.

chester Rail-
way and the
Sankey Canal
Navigation
Companies.
7 G. 4. c. 49.

7 & 8 G. 4.
c. 21.

9 G. 4. c. 7.

28 G. 2. c. 8.

2 G. 3. c. 56.

CLIX. And be it further enacted, That this Act shall be deemed Public Act, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

The SCHEDULE referred to by the foregoing Act.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
1	Liverpool and Manchester Railway Company	-	Liverpool and Manchester Railway Company	Newton	Winwick	Railway.
1 a	Thomas Legh, Esquire	-	James Forster	Ditto	Ditto	Arable.
1 b	Ditto	-	Ditto	Ditto	Ditto	Ditto.
2	Margaret Elizabeth and Ann Houghton	-	Margaret Elizabeth and Ann Houghton	Ditto	Ditto	Pasture.
2 a	-	-	-	Ditto	Ditto	Wargrave Lane.
3	Margaret Elizabeth and Ann Houghton	-	Margaret Elizabeth and Ann Houghton	Ditto	Ditto	Pasture.
A.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
B.	Thomas Legh, Esquire	-	James Forster	Ditto	Ditto	Meadow.
4	Ditto	-	Ditto	Ditto	Ditto	Arable.
4 a	Ditto	-	Ditto	Ditto	Ditto	Ditto.
5	Ditto	-	Ditto	Ditto	Ditto	Pasture.
5 a	Ditto	-	Ditto	Ditto	Ditto	Meadow.
6	Ditto	-	Henry Whittle	Ditto	Ditto	Meadow and Arable.
7	Ditto	-	James Forster	Ditto	Ditto	Arable.
7 a	Ditto	-	Ditto	Ditto	Ditto	Plantation.
8	Ditto	-	Henry Whittle	Ditto	Ditto	Meadow and Arable.
9	Ditto	-	Ditto	Ditto	Ditto	Meadow.
10	Ditto	Mr. Richard Orford	John Fazakerly	Ditto	Ditto	Ditto.
11	Ditto	-	Ditto	Ditto	Ditto	Ditto.
12	Ditto	-	Ditto	Ditto	Ditto	Arable.
12 a	-	-	-	Ditto	Ditto	Lane.
13	Thomas Legh, Esquire	Mr. Richard Orford	Thomas Forshaw	Ditto	Ditto	House, Garden, and Croft.
13 a	Ditto	Ditto	Ditto	Ditto	Ditto	Croft.
14	Ditto	-	Ditto	Ditto	Ditto	Orchard.
15	Ditto	-	Ditto	Ditto	Ditto	Croft.
16	Ditto	-	Ditto	Ditto	Ditto	Pasture.
17	Ditto	-	John Whittle	Ditto	Ditto	Arable.
18	Ditto	-	Ditto	Ditto	Ditto	House, Garden, and Croft.
19	Ditto	-	Ditto	Ditto	Ditto	Arable.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
20	Thomas Legh, Esquire	-	John Whittle	Newton	Winwick	Pasture.
21	Ditto	-	Ditto	Ditto	Ditto	Meadow.
22	Ditto	-	Ditto	Ditto	Ditto	Arable.
23	Ditto	-	John Kelsall	Ditto	Ditto	Ditto.
24	Ditto	-	Ditto	Ditto	Ditto	Meadow.
24 ^a	-	-	-	Ditto	Ditto	Lane.
25	Thomas Legh, Esquire	-	John Kelsall	Ditto	Ditto	Arable.
26	Ditto	-	Ditto	Ditto	Ditto	House, Garden, Orchard, &c.
27	Ditto	-	Ditto	Ditto	Ditto	Arable.
28	Ditto	-	Ditto	Ditto	Ditto	Pasture.
29	Ditto	-	Ditto	Ditto	Ditto	Ditto.
30	Ditto	-	Ditto	Ditto	Ditto	Arable.
31	Ditto	-	Ditto	Ditto	Ditto	Ditto.
32	Ditto	-	Ditto	Ditto	Ditto	Pasture.
33	Ditto	-	Ditto	Ditto	Ditto	Meadow.
34	{ The Reverend James John Hornby	-	James Smith	Winwick	Ditto	Ditto.
35	Ditto	-	Ditto	Ditto	Ditto	Ditto.
35 ^a	Ditto	-	Ditto	Ditto	Ditto	Arable.
36	Ditto	-	Ditto	Ditto	Ditto	Pasture.
37	Ditto	-	Ditto	Ditto	Ditto	Meadow.
38	Ditto	-	Ditto	Ditto	Ditto	Arable.
39	Ditto	-	Ditto	Ditto	Ditto	Lane.
39 ^a	Ditto	-	Ditto	Ditto	Ditto	Arable.
39 ^c	Ditto	-	Ditto	Ditto	Ditto	Meadow.
40	Ditto	-	Ditto	Ditto	Ditto	House, Garden, Orchard, &c.
41	Ditto	-	William Wright	Ditto	Ditto	Pasture.
42	Ditto	-	James Smith	Ditto	Ditto	Arable.
43	Ditto	-	William Wright	Ditto	Ditto	House, Garden, Orchard, &c.
43 ^a	Ditto	-	Ditto	Ditto	Ditto	Pasture.
44	Ditto	-	Ditto	Ditto	Ditto	Meadow and Arable.

[Local.]

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
44 a	{ The Reverend James John } Hornby	-	William Wright	Winwick	Winwick	Pasture.
44 b	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
45	{ } Ditto	-	Ditto	Ditto	Ditto	Arable.
45 a	{ } Ditto	-	-	Ditto	Ditto	Lane.
46	{ The Reverend James John } Hornby	-	Joseph Knowles	Ditto	Ditto	Meadow.
47	{ } Ditto	-	William Wright	Ditto	Ditto	Arable.
48	{ } Ditto	-	Joseph Knowles	Ditto	Ditto	Pasture.
49	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
49 b	{ } Ditto	-	William Platt	Ditto	Ditto	House, Garden, &c.
49 c	{ } Ditto	-	Ditto	Ditto	Ditto	Pasture.
49 a	{ } Ditto	-	-	Ditto	Ditto	Lane.
50	{ The Reverend James John } Hornby	-	Joseph Knowles	Ditto	Ditto	Arable.
50 a	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
51	{ } Ditto	-	James Wood	Ditto	Ditto	Pasture.
52	{ } Ditto	-	Ralph Unsworth	Ditto	Ditto	Arable.
52 a	{ } Ditto	-	Ditto	Ditto	Ditto	Pasture.
53	{ } Ditto	-	Joseph Knowles	Ditto	Ditto	Arable.
54	{ } Ditto	-	James Wood	Ditto	Ditto	Meadow.
55	{ } Ditto	-	Ditto	Ditto	Ditto	Pasture.
56	{ } Ditto	-	William Platt	Ditto	Ditto	Meadow.
57	{ } Ditto	-	Joseph Knowles	Ditto	Ditto	Ditto.
58	{ } Ditto	-	Ditto	Ditto	Ditto	Plantation.
59	{ } Ditto	-	Ditto	Ditto	Ditto	Meadow.
60	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
61	{ } Ditto	-	Ditto	Ditto	Ditto	Arable.
61 a	{ } Ditto	-	-	Ditto	Ditto	Lane.
62	{ The Reverend James John } Hornby	-	Joseph Knowles	Ditto	Ditto	Arable.
63	{ } Ditto	-	Martha Tinsley	Ditto	Ditto	Ditto.
64	{ } Ditto	-	John Hewitt	Ditto	Ditto	Pasture.
65	{ } Ditto	-	Ditto	Ditto	Ditto	Arable, Meadow, & Pasture.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
65 a	{ The Reverend James John } Hornby	-	-	Winwick	Winwick	Lane.
66	{ } Ditto	-	Martha Tinsley	Ditto	Ditto	Arable.
68	{ } Ditto	-	John Hewitt	Ditto	Ditto	House, Garden, Yard, &c.
69	{ } Ditto	-	Proprietors of Sankey Canal	Ditto	Ditto	Timber Yard.
70	{ } Ditto	-	Susanna Cleworth	Ditto	Ditto	Pasture.
71	{ } Proprietors of Sankey Canal	-	Jonathan Wright	Ditto	Ditto	Arable.
72	{ The Reverend James John } Hornby	-	Susanna Cleworth	Ditto	Ditto	House, Garden, Yard, &c.
73	{ } Ditto	-	Ditto	Ditto	Ditto	Arable.
74	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
75	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
76	{ } Ditto	-	Susanna Hall	Ditto	Ditto	Meadow.
77	{ } Ditto	-	Ditto	Ditto	Ditto	Pasture.
78	{ } Ditto	-	Ditto	Ditto	Ditto	Meadow.
79	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.
80	{ } Ditto	-	Thomas Knowles	Ditto	Ditto	Ditto.
81	{ The Right Honourable } Lord Lilford	-	James Warburton	Burtonwood	Warrington	Ditto.
82	{ The Reverend James John } Hornby	-	Ann Bate	Winwick	Winwick	Ditto.
83	{ The Right Honourable } Lord Lilford	-	James Warburton	Burtonwood	Warrington	Ditto.
83 a	{ The Reverend James John } Hornby	-	Frances Jackson	Winwick	Winwick	Ditto.
83 b	{ } Ditto	-	-	Burtonwood	Warrington	Lane.
85	{ The Right Honourable } Lord Lilford	-	James Warburton	Ditto	Ditto	Pasture.
86	{ } Ditto	-	Ditto	Ditto	Ditto	Arable.
87	{ } Ditto	-	Ditto	Ditto	Ditto	Pasture.
87 a	{ } Ditto	-	William Cawley	Ditto	Ditto	Meadow.
88	{ } Ditto	-	James Warburton	Ditto	Ditto	Pasture.
89	{ } Ditto	-	William Cawley	Ditto	Ditto	Ditto.
90	{ } Ditto	-	Ditto	Ditto	Ditto	Ditto.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
91	John Lowe		John Lowe	Burtonwood	Warrington	Meadow.
92	{ The Right Honourable Lord Lilford, the Reverend James John Hornby, and Ellen Gaskell }		William Cawley, John Bradshaw, and Ellen Gaskell	{ Ditto, and Winwick }	Ditto and Winwick	{ Ditto. }
92 a						
93	{ The Right Honourable Lord Lilford }		William Cawley	Burtonwood	Warrington	Lane.
95	Ditto		Ditto	Ditto	Ditto	Pasture.
96	Ditto		Ditto	Ditto	Ditto	Pasture.
97	Ditto		Ditto	Ditto	Ditto	Arable.
98	Ditto		Ditto	Ditto	Ditto	Meadow.
99	John Blackburne, Esquire		William Warburton	Ditto	Ditto	Ditto.
100	Joseph Kitchingman		John Kerfoot	Warrington	Ditto	Pasture.
101	John Blackburne, Esquire		Joseph Kitchingman	Ditto	Ditto	House, Garden, &c.
102	Ditto		John Kerfoot	Ditto	Ditto	Pasture.
103	Ditto		Thomas Pickton	Ditto	Ditto	Ditto.
103 a			John Kerfoot	Ditto	Ditto	Ditto.
104	John Blackburne, Esquire		John Mather	Ditto	Ditto	Ditto.
105	Ditto		John Kerfoot	Ditto	Ditto	Dallum Lane.
106	Ditto		Ditto	Ditto	Ditto	Arable and Pasture.
107	Ditto		Richard Hinde	Ditto	Ditto	Arable.
108	Ditto		William Robinson	Ditto	Ditto	Pasture.
109	Ditto		Margaret Boscow	Ditto	Ditto	Ditto.
109 a			John Kerfoot	Ditto	Ditto	Ditto.
110	John Blackburne, Esquire		John Kerfoot	Ditto	Ditto	Arable.
110 a			Alexander Brimilow the younger	Ditto	Ditto	Folly Lane.
111	{ Alexander Brimilow the younger }		Alexander Brimilow the younger	Ditto	Ditto	Pasture.
111 a	Ditto		James Lawrinson	Ditto	Ditto	Jockey Lane.
112	Ditto		Alexander Brimilow and William Cotterill	Ditto	Ditto	Garden.
113	Alexander Brimilow the elder		Isaac Turner and James Dannett	Ditto	Ditto	Ditto.
				Ditto	Ditto	Cottages and Garden.
				Ditto	Ditto	Cottages and Garden.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
114	Alexander Brimilow the elder	-	Edward Dutton	Warrington	Warrington	Arable.
115	Thomas Heath, Esquire	-	John Furnival	Ditto	Ditto	Meadow.
116	Alexander Brimilow the elder	-	Edward Dutton	Ditto	Ditto	Arable.
117	Elizabeth Brint, Edward Chester, William Tinsley, William Stretch, and James Kilshaw, (Executors of the late John Leigh Brint)	-	Executors of the late John Leigh Brint	Ditto	Ditto	Meadow.
118	Hannah Bradford	-	Richard Marsh	Ditto	Ditto	Arable, Meadow.
119	John Pickmere	-	Ditto	Ditto	Ditto	Arable.
120	{ John Wilson Patten, Esquire }	-	Thomas Haddock	Ditto	Ditto	Meadow.
121	James Pierpoint	-	James Pierpoint	Ditto	Ditto	Ditto.
122	John Blackburne	-	Thomas Haddock	Ditto	Ditto	Ditto.
123	Joseph Wagstaff	-	Joseph Wagstaff	Ditto	Ditto	Garden.
124	Ditto	-	Ditto	Ditto	Ditto	Brick Field.
125	John Blackburne, Esquire	-	Thomas Haddock	Ditto	Ditto	Meadow.
125 a	-	-	-	Ditto	Ditto	Bewsey Lane.
126	John Rylands	-	John Rylands	Ditto	Ditto	Arable, Meadow.
126 a	Ditto	-	James Harding	Ditto	Ditto	Cottage and Garden.
127	{ John Wilson Patten, Esquire }	-	James Lawrinson	Ditto	Ditto	Arable.
128	Ditto	-	John Brandwood	Ditto	Ditto	Meadow.
128 a	John Blackburne, Esquire	-	William Robinson	Ditto	Ditto	Pasture.
129	Thomas Legh, Esquire	-	William Newsham	Ditto	Ditto	Meadow.
130	Ditto	-	Ditto	Ditto	Ditto	Ditto.
131	Ditto	-	Ditto	Ditto	Ditto	Ditto.
131 a	-	-	William Newsham	Ditto	Ditto	Frog Hall Lane.
132	{ John Wilson Patten, Esquire }	-	William Hughes	Ditto	Ditto	Meadow.
133	Ditto	-	John Atherton	Ditto	Ditto	Ditto.
134	Ditto	-	William Hughes	Ditto	Ditto	Ditto.

[Local.]

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
135	Thomas Legh, Esquire	-	Peter Atherton	Warrington	Warrington	Meadow.
136	Thomas Legh, Esquire	-	William Broadhurst	Ditto	Ditto	Ditto.
139	Thomas Legh, Esquire	-	John Hatton	Ditto	Ditto	Ditto.
140	Mrs. Hannah Watt	-	Paul Caldwell	Ditto	Ditto	Ditto.
141	Thomas Legh, Esquire	{ Thomas Lyon, Esquire }	Anne Malley	Ditto	Ditto	Ditto.
141 a	The Trustees of the Road	-	-	Ditto	Ditto	Turnpike Road from Warrington to Wigan.
142	Richard Fleetwood	-	Richard Fleetwood	Ditto	Ditto	House and Garden.
143	Mary Peacock	-	Mary Peacock	Ditto	Ditto	Ditto.
144	Joseph Fairhurst	-	John Gibson and James Parry	Ditto	Ditto	House and Gardens.
145	James Pierpoint	-	James Pierpoint	Ditto	Ditto	Brick Field.
146	Thomas Eskrigge	-	Thomas Eskrigge	Ditto	Ditto	House and Garden.
146 a	-	-	-	-	-	Dallam Lane.
147	John Blackburne, Esquire	-	Thomas Haddock	Ditto	Ditto	Meadow.
148	John Wilson Patten, Esquire	-	John Rylands	Ditto	Ditto	Ditto.
148	The Devises of the late Mary Stokes, and Mary Ducker, and Margery Dannett	-	Thomas Haddock	Ditto	Ditto	Pasture.
149	Thomas Haddock	-	Ditto	Ditto	Ditto	Meadow.
150	John Wilson Patten, Esquire	-	John Caryl	Ditto	Ditto	Meadow.
151	Ditto	-	John Wilson Patten, Esq.	Ditto	Ditto	Pasture.
152	Ditto	-	James Davies	Ditto	Ditto	Ropewalk and Shed.
152 a	Ditto	-	William Garnett	Ditto	Ditto	Garden.
153	Ditto	-	Joseph Wood	Ditto	Ditto	Ditto.
154	Ditto	-	William Birchall, James Wood, and Arthur Martin	Ditto	Ditto	Cottages, &c.
155	Jane Lightfoot	-	John Tickle and James Asnip	Ditto	Ditto	Ditto.
155 a	{ The Representatives of the late John Burkhill }	-	Miles Cragg	Ditto	Ditto	Pasture.
156	Lydia Lee	-	Thomas Molineux, William Taylor, Margaret Thompson, and Thomas Kaye	Ditto	Ditto	Cottages.
157	John Buckley	-	-	Ditto	Ditto	-

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
157 a	{ The Representatives of the late William Buckley junior	-	James Clare	Warrington	Warrington	Cottage.
157 b	-	-	-	Ditto	Ditto	Tanner's Lane.
157 c	Thomas Buckley	-	James Tilley and James Dowling	Ditto	Ditto	Cottages.
157 d	William Buckley senior	-	George Harrison and William Buckley senior	Ditto	Ditto	Ditto.
158	{ John Edwards, John Pickmere, and Edward Gaskell, Executors of the late Thomas Skitt	-	William Hall	Ditto	Ditto	Malthouse and Cottage.
158 a	{ William Hall and John Smith, Executors of the late George Watmough	-	Hannah Rowlinson	Ditto	Ditto	Public House.
159	Esther Morris	-	John Rylands	Ditto	Ditto	Pasture.
159 a	-	-	-	Ditto	Ditto	Dallum Lane.
160	John Blackburne, Esquire	-	John Kerfoot	Ditto	Ditto	Arable.
161	Thomas Legh, Esquire	{ John Blackburne, Esquire	Ditto	Ditto	Ditto	Meadow.
162	Thomas Legh, Esquire	{ Thomas Lyon, Esquire	Anne Malley	Ditto	Ditto	Pasture.
163	{ John Wilson Patten, Esquire	-	Thomas Paul	Ditto	Ditto	House and Garden, &c.
164	Ditto	-	Ditto	Ditto	Ditto	Arable.
165	Trustees of Warrington Bluecoat School	-	Thomas Haddock	Ditto	Ditto	Ditto.
166	Thomas Isherwood	-	Thomas Isherwood	Ditto	Ditto	Cottage and Garden.
166 a	{ Samuel Rowe, John Smith, John Booth, and John Singleton, Overseers of Warrington	-	William Whittaker, 1 untenanted	Ditto	Ditto	Cottages.
166 b	John Blackburne, Esquire	-	Untenanted	Ditto	Ditto	Ditto.
167	{ Trustees of Warrington Bluecoat School	-	Thomas Broadhurst	Ditto	Ditto	Pasture.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
168	John Blackburne, Esquire	-	Thomas Pickton	Warrington	Warrington	Pasture.
168 a	Ditto	-	Alice Lightfoot	Ditto	Ditto	Cottage and Garden.
169	James Wood	-	Henry Robinson, and untenanted	Ditto	Ditto	Cottages.
170	Ditto	-	Henry Robinson	Ditto	Ditto	Garden.
170 a	-	-	-	Ditto	Ditto	Orford Lane.
171	Thomas Legh, Esquire	Thomas Lyon, Esquire	John Wrigley	Ditto	Ditto	Arable.
172	John Blackburne, Esquire	-	John Potter	Ditto	Ditto	Ditto.
172 a	-	-	-	Ditto	Ditto	Lygoes Lane.
173	Thomas Woodroffe	-	Aaron Brown and Thomas Hunt	Ditto	Ditto	Cottages and Gardens.
174	Richard Roberts	-	Joseph Gerard	Ditto	Ditto	Garden.
175	Ditto	-	Richard Roberts and John Wilde	Ditto	Ditto	Cottages and Workshop.
176	Joseph Leigh, Esquire, Richard Orford, and John Brandwood, Assignees of Thomas Claughton and Thomas Legh, Esquire	-	Miles Cragg and Richard Hinde	Ditto	Ditto	Meadow.
177	Thomas Legh, Esquire	-	Samuel Ellson and William Standish	Ditto	Ditto	Brick Field.
178	Thomas Legh, Esquire, and John Arthur Borron, Esquire	-	Mary Litton	Ditto	Ditto	Meadow.
179	Martha Hart	-	James Pierpoint	Ditto	Ditto	Ditto.
180	Thomas Legh, Esquire	-	Samuel Ellson and William Standish	Ditto	Ditto	Brick Field.
180 a	Ditto	-	Samuel Ashton	Ditto	Ditto	Garden.
181	Joseph Leigh, Esquire, Richard Orford, and John Brandwood, Assignees of Thomas Claughton	-	Untenanted	Ditto	Ditto	Vacant Land.