



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. lvii.

An Act to enable the Company of Proprietors of the *Warrington and Newton* Railway to extend the Line of the said Railway; and for repealing, explaining, altering, amending, and enlarging some of the Powers and Provisions of the Act relating thereto. [29th May 1830.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tram Road 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*; which Railway or Tram Road was by the said Act authorized and directed to be made in the Line or Direction described and set forth in a certain Map or Plan and Book of Reference thereof, deposited with the Clerk of the Parliaments, and with the Clerk of the Peace of the said County Palatine of *Lancaster*, as in the said Act is directed; and by the said Act several Persons were united and made one Body Corporate, by the Name and Style of “The *Warrington and Newton* Railway Company,” for making and maintaining such Railway or Tram Road, and Branches, and the several other Works necessary for carrying the said Act into execution: And whereas great Progress has been made in the said Railway or Tramroad, and other Works by the said Act authorized to be made: And whereas it was in and by the

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[*Local.*]

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said

said recited Act (amongst other Things) provided and enacted, that no Locomotive Steam Engine should be allowed or suffered to pass or go along the Line of the Railway or Tramroad intended to be made under the Powers of the said Act within the Township of *Burtonwood* and *Winwick* in the said County of *Lancaster*, or either of them, or in any Part or Parcel of any other Township, which Part or Parcel should be included or immediately adjoin to the said Townships or either of them, which should be considered by *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 should 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 Tram Road, after Three Days Notice in Writing should have been given to the said Company by *Thomas Lord Lilford*, his Heirs or Assigns, or by the Rector of *Winwick* 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 should 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 should have given such Notice, the Sum of Ten Pounds *per Diem* for each and every such Locomotive Steam Engine as should be suffered and allowed by the said Company to pass or go along the said Railway or Tram Road 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 the said recited Act directed to be raised and recovered: And whereas from recent Experiments it hath been proved to the Satisfaction of the said *Thomas Lord Lilford*, and also of the Reverend *James John Hornby* the present Rector of *Winwick*, that the Use of Locomotive Steam Engines properly constructed may be permitted, and that the same may pass through the said Townships of *Burtonwood* and *Winwick*, and the Townships adjoining thereto, without being a Nuisance or Annoyance from the Noise or Smoke thereof, or from any other Cause connected with the Machinery of such Locomotive Engines: And whereas the said *Thomas Lord Lilford* and *James John Hornby* have, upon the Application of the said Company, consented to the Repeal of so much of the said recited Act as prohibits the Passage of Locomotive Steam Engines through the said Townships of *Burtonwood* and *Winwick* or either of them, or in any Part or Parcel of any other Township which may adjoin to the said Townships of *Burtonwood* and *Winwick* or either of them; and it is desirable, and would tend to the Advantage of the Public passing along the said Railway, that such Parts of the said recited Act should be repealed: And whereas the making and maintaining of a Branch Railway
from

from the Railway by the said recited Act authorized to be made, at the Point where the same crosses a Brook called *Newton Brook*, to the North Side of the *Liverpool and Manchester* Railway near *Newton Parks*, all in *Newton-within-Mackerfield* in the said County of *Lancaster*, so as to unite with a Branch Railway intended to be made from the Borough of *Wigan* in the said County Palatine, where it joins the *Liverpool and Manchester* Railway, 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 *Wigan* and the Town of *Warrington* and other populous Places, and also by affording a cheap and quick Conveyance of Coal and Cannel from the Pits in the Neighbourhood of *Wigan* to the Town of *Warrington*, where large Quantities are consumed both for domestic and commercial Purposes: And whereas it is expedient that some of the Powers and Provisions contained in the said recited Act should be repealed or altered, amended, extended, enlarged, and explained, and that further and more effectual Powers and Provisions should be granted and made: And whereas the several Purposes hereinbefore mentioned cannot be carried into execution 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 the said recited Act of the Tenth Year of the Reign of His present Majesty King *George* the Fourth, and all and every the Powers and Provisions, Exemptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein contained, shall (except such Parts thereof as are varied, altered, or repealed,) be as good, valid, and effectual, for carrying this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this present Act.

Powers of recited Act extended to this Act, except as hereby altered.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors of the *Warrington and Newton* Railway, and they are hereby authorized and empowered, to extend or make a Branch Railway or Tram Road from and out of the Railway by the said recited Act authorized to be made, commencing at the Point where such Railway crosses the Brook called *Newton Brook*, and extending to the North Side of the *Liverpool and Manchester* Railway at or near to *Newton Parks*, all within *Newton-in-Mackerfield* in the said County Palatine of *Lancaster*, for the Passage of Waggon and other Carriages, to be drawn, propelled, or moved thereon by Stationary or Locomotive Steam Engines, Horses, or other adequate Power, in the Discretion of the said Company.

Power to extend the Line of Railway.

III. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Servants, Officers, and Workmen, to make, construct, and maintain the said Railway or Tram Road hereby authorized to be made, together with proper Warehouses, Wharfs,

Company empowered to make Railway in the Direction above mentioned.

Wharfs, Landing Places, Steam and other Engines, Works, and Conveniences adjoining thereto or connected therewith, in the Course or Direction hereinbefore mentioned, and more particularly delineated on the Map or Plan hereinafter referred to, and that such intended Railway or Tram Road, and other Works, shall for all the Purposes of this and the said recited Act be and be considered and for ever remain Part of the *Warrington and Newton* Railway.

Plan and Book of Reference of the intended Line to be kept by the Clerk of the Peace.

IV. And whereas a Map or Plan describing the Line of the intended Branch Railway or Tram Road, and the Lands in and through which the same is intended to be made or carried, together with a Book of Reference thereto, containing a List of the Names of the Owners or reputed Owners and of the Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons shall at all seasonable Times have Liberty to inspect the same and take Copies thereof or Extracts therefrom, at their Pleasure, paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the same; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter that may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law and Equity or elsewhere.

Not to deviate more than 100 Yards.

V. And be it further enacted, That the said Company of Proprietors, in making the said intended Branch Railway or Tram Road, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Power to alter Line of Branch Railway; and new Plan to be deposited with the Clerk of the Peace.

VI. And whereas a Map or Plan describing the Line or Course of the said Branch Railway hereby authorized to be made, and the Lands and Grounds in, through, and over which the same is to be carried, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands and Grounds, have been deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*: And whereas since the depositing the said Map or Plan a Deviation from or Alteration of such Map or Plan hath been agreed upon, with the Consent of the Owners and Occupiers of the Lands and Grounds through which such Deviation or Alteration is to be made; be it therefore further enacted, That a Copy of the said Map or Plan so agreed upon as aforesaid, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall within One Calendar Month after the passing of this Act be deposited with the said Clerk of the Peace for the said County Palatine of *Lancaster*; and the said Map or Plan and Book of Reference shall remain in the Office of the said Clerk of the Peace; and all Persons whosoever shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies or Extracts

from the said Map or Plan and Book of Reference, paying to the said Clerk of the Peace for every such Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere; and the said Company, in making the said Railway, shall not deviate more than One hundred Yards from the Course or Direction thereof as delineated in the said Map or Plan so authenticated as aforesaid.

VII. Provided always, and be it further enacted, That if it shall be made to appear to any of His Majesty's Justices of the Peace acting in and for the said County Palatine of *Lancaster*, and be by them certified accordingly by Writing under their Hands, that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the said Book of Reference, or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or any other Person or Party interested therein or in any Part thereof, are, is, or shall have been, by Mistake or otherwise, misnamed or incorrectly or insufficiently described, or that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments which by this Act it is intended shall be taken and used for the Purposes thereof, or any Part thereof, or the Owners or Proprietors thereof, or other Persons interested in any Manner therein, or any of them, are or have been omitted or left out of the said Book of Reference and Schedule, or misnamed, or not otherwise noticed or described, such Mistake, Misnomer, incorrect Description, Omission, or Defect shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Purchase of any and every Part of the said Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, under the Provisions of this Act, but the same shall and may be valued, sold, purchased, conveyed, disposed of, and applied, in the same Manner, and under the same and the like Powers, as are given by this or the said recited Act in other Cases, as fully and effectually to all Intents and Purposes as if the same were inserted and properly and accurately named in the said Book of Reference and in the said Schedule to this Act annexed.

Omissions and Errors in the Book of Reference not to obstruct the making of the Railway.

VIII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built 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, planted Walk or Avenue to a House, or any inclosed Ground planted

Houses and Gardens not to be used unless specified in the Schedule.

Limiting the
Time for
taking
Houses.

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 or other 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 Two Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in the said recited Act is mentioned, the several Houses, Buildings, Lands, Tenements, and Hereditaments which they are hereby authorized and 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.

Power to
borrow the
further Sum
of 20,000*l*.

IX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise and borrow, on the Credit of the said Undertaking, and the Rates and Tolls thereof, such Sum and Sums of Money as shall from Time to Time be found necessary for the Purposes of this and the said recited Act, not exceeding in the whole the further Sum of Twenty thousand Pounds, over and above the Sum and Sums of Money raised and to be raised amongst the said Proprietors by Calls upon their respective Shares, as is authorized by the said recited Act, and notwithstanding the said Sums have not been wholly raised and received as aforesaid, and over and above the Sum of Twenty thousand Pounds borrowed or authorized to be borrowed by the said recited Act; and the said Company of Proprietors, or their Committee, after an Order of any General Assembly, are hereby authorized and empowered to assign and make over the Property in the said Undertaking, and the Rates or Tolls to arise therefrom by virtue of the said recited Act or this Act, or any Part of such Rates or Tolls respectively, as a Security or Securities for any Sum or Sums of Money so to be borrowed on Mortgage, with Interest for the same at the Rate to be agreed upon, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form (*mutatis mutandis*), and with and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest thereby to be secured, as are mentioned or contained in or by the said recited Act respecting the borrowing of Money on Mortgage, and the Securities to be made for the same respectively; and all and every Person or Persons to whom any Mortgage or Mortgages shall have been made under the said recited Act, and also all and every Person or Persons to whom any Mortgage or Mortgages shall be made or granted under the present Act, shall be equally entitled, one with another, to the Rates or Tolls and Property thereby assigned or to be assigned, in proportion to the Sum or Sums of Money for which such Mortgage or Mortgages shall have been or shall be executed, without

any Preference by reason of Priority of Date of any such Mortgage or otherwise howsoever.

X. Provided always, and be it further enacted, That so much of the said recited Act as declares that no Locomotive Steam Engine shall be allowed or suffered to pass or go along the Line of the Railway or Tramroad therein mentioned as intended to be made within the said Townships of *Burtonwood* and *Winwick* aforesaid, or either of them, or 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 also so much of the said Act whereby a Penalty is imposed in manner hereinbefore recited, on the said Company of Proprietors, if they shall at any Time permit, suffer, or allow any such Locomotive Engine to pass or go along the Line of the said intended Railway or Tram Road after Three Days Notice in Writing to the said Company from the said *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, or whereby the Amount of such Penalty, or the Mode of levying the same, is declared and provided for or directed as hereinbefore recited, shall and may from henceforth be and the same is and are hereby repealed; and that from and after the passing of this Act Locomotive Steam Engines, constructed in the Manner hereinafter mentioned, shall be permitted to pass or move along the said intended Railway through the said Townships of *Burtonwood* and *Winwick* or either of them, and the Parts or Parcels adjoining thereto of any other Township.

Repeal of the restrictive Clauses prohibiting the Use of Locomotive Engines through *Burtonwood* and *Winwick*.

XI. And whereas in and by the said recited Act it is enacted that if any Person or Persons shall travel on Foot upon the Railway or Tram Road and Branches thereby authorized to be made, without the Licence and Consent of the said Company (except for the Purposes therein mentioned), every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings, to be levied and recovered as therein mentioned: And whereas the said *Thomas Lord Lilford* hath applied to the said Company to permit *William Cawley*, the present Tenant and Occupier of a Farm in *Burtonwood*, belonging to the said *Thomas Lord Lilford*, and all future Tenants and Occupiers of the said Farm, to use the said Railway as a Footpath in Time of Floods, for the Purpose of passing along the said Railway, between the said Farm and the Town of *Warrington*; to which Application the said Company has acceded; be it therefore enacted, That it shall and may be lawful to and for the said *William Cawley*, and all his Successors, Tenants and Occupiers of the said Farm in *Burtonwood*, now in his Occupation, and his and their Families, Agents, or Servants, from Time to Time to use the said Railway as a Footpath between

Authorizing the Tenants of a Farm in *Burtonwood*, belonging to *Lord Lilford*, to use Railway as a Footpath in Time of Floods.

between such Farm and the Town of *Warrington*, whenever the ordinary Road or Way to or from such Farm and the Town of *Warrington* shall be interrupted or rendered impassable by reason of Floods, for such a Distance only as shall be necessary to afford a Communication between the said Farm and the nearest Public Road intersected by the said Railway between such Farm and the said Town of *Warrington*, without having first obtained the Licence and Consent of the said Company for that Purpose, and without incurring any of the Penalties by the said Act imposed on Persons travelling on Foot upon the said Railway, notwithstanding any thing in the said recited Act or this Act contained to the contrary thereof.

Locomotive
Engines to
consume
their own
Smoke.

XII. Provided always nevertheless, and be it further enacted, That every Locomotive Steam Engine that shall at any Time be used upon the said Railway or Tram Road within the Townships of *Burtonwood* and *Winwick* aforesaid, or any Part thereof, shall be constructed and worked on the best Principles from Time to Time known and used or applied for enabling it to consume its own Smoke, and for preventing Noise in the Machinery or Motion thereof; and that no Coal, but only Coke, or such other Fuel as shall be approved by the said Lord *Lilford*, his Heirs or Assigns, and the Rector of *Winwick* for the Time being, shall be used or consumed in such Locomotive Engine on any Pretence whatsoever; and in case the said Company, or any Person or Persons whosoever, shall at any Time hereafter use upon the said Railway or Tram Road within the Townships of *Burtonwood* and *Winwick* aforesaid, or any Part thereof, any Locomotive Steam Engine that shall not be constructed and worked as aforesaid, or in which any Coal, or any other Fuel than Coke, or such other Fuel as shall be approved as aforesaid, shall be used or consumed, the said Company or such Person or Persons aforesaid shall, upon being convicted of the same before any Two Justices of the Peace for the said County of *Lancaster*, upon the Oaths or solemn Affirmations of Two credible Witnesses, forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds nor less than Five Pounds, to be levied as other Penalties are by this or the said recited Act directed to be levied, and to be applied as the said Justices shall direct: Provided always, that no Part thereof shall be directed to be paid to the Informer.

No Convic-
tion to take
place with-
out Informa-
tion upon
Oath.

XIII. Provided always, and be it further enacted, That no such Conviction shall take place unless upon the previous Complaint or Information upon Oath or solemn Affirmation of some Person who, previous to such Information, shall have given Ten Days Notice to the said Company, or to the other Person or Persons owning or using such Locomotive Steam Engine as aforesaid, that the said Complainant considers the Use of the same to be a Nuisance affecting the House or Land in his or her Possession or Occupation within the Townships of *Burtonwood* and *Winwick* or One of them, and specifying the Length of Road, described by clearly defined Boundaries, along which the said Complainant considers such House or Land in his or her Occupation to be affected by the same.

XIV. And

XIV. And be it further enacted, That every such Conviction under this Act, together with the Complaint or Information on which the same shall be founded, shall be filed at the next General Quarter Sessions of the Peace, or any Adjournment thereof, for the said County, unless such General Quarter Sessions, or any Adjournment thereof, shall be held within Ten Days after such Conviction, and in that Case then the same be filed at the General Quarter Sessions of the Peace following the aforesaid next Sessions, or any Adjournment thereof; and the said Company, or any Body or Bodies, Person or Persons, who may think themselves, himself, or herself aggrieved by any such Conviction, shall be at liberty, within Four Calendar Months next after such Conviction shall have been made, to appeal to the Justices of the Peace at any such General Quarter Sessions of the Peace, or Adjournment thereof, for the said County, but of such Intention to appeal, and the Nature of such Appeal, he, she, or they shall, within Seven Days next after such Conviction, give Ten Days Notice in Writing to the Person or Persons upon whose Complaint or Information the Conviction was obtained against which it is intended to appeal, and within such Seven Days aforesaid shall enter into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Award and Order of the said Court thereon; and the said Justices shall and they are hereby required, upon such Appeal, to hear and determine whether such Locomotive Steam Engine was at the Time specified in the Information and Conviction constructed and worked on the best Principles then known and used or applied for enabling it to consume its own Smoke, and for preventing Noise in the Machinery or Motion thereof, and thereupon shall either quash or confirm any Conviction that shall have been made, or mitigate any Penalty or Forfeiture, or may order any Money to be returned that shall have been levied in pursuance thereof, and may also order such Costs to be paid to the Party in whose Favour such Appeal shall be decided, as the said Justices in their Judgment shall think just and reasonable.

Convictions to be filed at the Quarter Sessions.

XV. And whereas it is intended that the said Branch Railway hereby authorized to be made shall communicate with the *Liverpool* and *Manchester* Railway; be it therefore enacted, That all Communications between the said Branch Railway hereby authorized to be made and the *Liverpool* and *Manchester* Railway, and all Openings in the Ledges or Flanches of the said *Liverpool* and *Manchester* Railway as may be necessary or convenient for effecting such Communications, shall be made at the Expence of the *Warrington* and *Newton* Railway Company, under the Direction and Superintendence of the Engineer for the Time being of the *Liverpool* and *Manchester* Railway Company.

Communication with *Liverpool* and *Manchester* Railway to be made under the Direction of the Engineer of that Company.

XVI. And be it further enacted, That the said Branch Railway hereby authorized to be made, or any Branch therefrom, or any other Railway or other Road to be hereafter made for the Purpose of communicating or which shall communicate with the said Branch Railway hereby authorized to be made, and which shall, or shall be

Railway not to cross *Liverpool* and *Manchester* Railway on a Level.

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intended

intended to cross or intersect the *Liverpool* and *Manchester* Railway, shall not be made or laid down on the Level of the said *Liverpool* and *Manchester* Railway, but in all Cases the same shall be made and carried either over by means of a Bridge, or beneath by means of a Tunnel or Arch; and such Bridge, Tunnel, or Arch shall be built and constructed under the Direction and Superintendence of the Engineer for the Time being of the said *Liverpool* and *Manchester* Railway Company, and so as not to injure the said *Liverpool* and *Manchester* Railway, or obstruct or hinder the free Passage over, upon, or along the same: Provided always, and it is hereby expressly declared, that nothing herein contained shall extend or be deemed or construed to extend to abridge, alter, lessen, or interfere with the Right or Privilege which the *Warrington* and *Newton* Railway Company now have of making and constructing the Railway authorized to be made by the said recited Act, so as to unite with, join, or cross the said *Liverpool* and *Manchester* Railway, upon a Level, according to the Powers contained in the said recited Act.

Not to take the Land or interfere with the Works of the *Liverpool* and *Manchester* Railway, without Consent.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said *Warrington* and *Newton* Railway Company, in making and constructing or maintaining the said Branch Railway, to take or enter upon any of the Lands or Grounds belonging to the said *Liverpool* and *Manchester* Railway Company, or to alter, vary, or interfere with the said *Liverpool* and *Manchester* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *Liverpool* and *Manchester* Railway Company in every Instance for that Purpose first had and obtained.

Regulating the Number of Proxies to be given by each Proprietor.

XVIII. And whereas it was by the said recited Act enacted, that every Proprietor entitled to vote at the Stated and Special General Meetings of the said Company should and might give his, her, or their Vote or Votes either in Person or by Proxy, every such Proxy being constituted in the Manner in the said Act prescribed; but in and by the same Act it was also provided, that no Body or Person should 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; And whereas Doubts have arisen as to the Construction of the said Clause, and as to the Right of voting under the same, and it is desirable that such Doubts shall be removed; be it therefore enacted, That so much of the said recited Act as declares or provides 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, shall and may henceforth be and the same is hereby repealed; and that from and after the passing of this Act no Proprietor of a Share or Shares in the *Warrington* and *Newton* Railway, authorized by this or the said recited Act to vote at the said Stated or General and Special General Meetings of the said Company, shall be entitled to give on any One Question more than Ten Votes in right or respect of the Shares of such Proprietor, nor

more than Ten Votes in respect or right of the Shares of each of the absent Proprietors for whom respectively such Proprietor shall be Proxy.

XIX. And whereas it was by the said recited Act enacted, that upon the Trial of any Action to be brought by the said Company or by the said Directors against any Owner of any Share in the said Undertaking, to recover any Sum or Sums of Money due or payable to the said Company for or by reason of any Call to be made by virtue of the said recited Act, it should 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 was directed by the said Act: And whereas it is expedient to facilitate the Means of such Proof; be it therefore further enacted, That upon the Trial of any Action to be brought by the said Company, in which it shall be necessary to prove that the Defendant or Defendants was or were a Proprietor or Proprietors of some Share or Shares in the said Company, the Production of the Book or Books in which the Clerk of the said Company is by the said recited Act directed to enter and keep the Names and Additions of the several Persons entitled to Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the 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 thereof, or be entitled to any Share therein, shall be *prima facie* Evidence of such Defendant or Defendants being a Proprietor or Proprietors, and of the Number or Amount of his or their Shares therein.

Prescribing Mode of proving Proprietorship of Shares in Actions for Calls, &c.

XX. And be it further enacted, That so much of the said recited Act as enacts, that upon the Sale of any Share or Shares in the said Undertaking the Deed or Conveyance thereof (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 or their Security, shall be and the same is hereby repealed.

Repeal of Clause that Conveyance shall be kept by Purchaser.

XXI. And be it further enacted, That upon the Sale of any Share or Shares in the said Undertaking the Deed or Conveyance thereof (after the same shall have been executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the Clerk of the Company until all the Calls in respect of such Shares shall have been paid, and that after Payment of all the said Calls the same Deed or Conveyance shall be delivered to such Purchaser or Purchasers, or to such other Person or Persons as shall for the Time being be entitled to hold the same.

Conveyance of Shares to be kept by Clerk of Company till all the Calls on them are paid.

XXII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or in any way incident

For defraying the Expences of the Act.

incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of this or the said recited Act, or either of them, in preference to any other Payment whatever.

Public Act.

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

The SCHEDULE referred to by the foregoing Act.

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
1.	Warrington and Newton Railway Company	-	Warrington and Newton Railway Company	Newton	Winwick	Railway.
2.	Thomas Legh, Esquire	-	John Kelsall	Ditto	Ditto	Field.
3.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
4.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
5.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
6.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
7.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
8.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
9.	Ditto	-	William Wright	Ditto	Ditto	Ditto.
10.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
11.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
12.	Ditto	-	Thomas Boardman	Ditto	Ditto	Ditto.
13.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
14.	Ditto	-	Ditto	Ditto	Ditto	Plantation.
15.	Ditto	-	William Wright	Ditto	Ditto	Field.
16.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
17.	Ditto	-	Thomas Boardman	Ditto	Ditto	Ditto.
18.	Ditto	-	Henry Pennington	Ditto	Ditto	Ditto.
19.	Ditto	-	George Peters	Ditto	Ditto	Ditto.
20.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
21.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
22.	Ditto	-	Henry Pennington	Ditto	Ditto	Ditto.
23.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
24.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
25.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
26.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
27.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
28.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
29.	Ditto	-	Ditto	Ditto	Ditto	Ditto.
30.	Ditto	William Lythgoe	William Lythgoe	Ditto	Ditto	Ditto.
31.	The Trustees of the Road	-	-	Ditto	Ditto	Turnpike Road from Warrington to Wigan.
23.	Thomas Legh, Esquire	-	Ralph Sixsmith	Ditto	Ditto	Part of Field.
33.	Ditto	-	Giles Higson	Ditto	Ditto	Cottage and Garden.
34.	Ditto	-	Roger Higson	Ditto	Ditto	Ditto.
35.	The Reverend George Heron, surviving Trustee under the Will of the late William Bankes, Esquire	-	Ralph Sixsmith	Ditto	Ditto	Field.

[Local.]

No. on Plan.	Owner.	Lessee.	Occupier.	Township.	Parish.	Description of Land.
36.	The Reverend George Heron, surviving Trustee under the Will of the late William Bankes, Esquire - - }	- -	Ralph Sixsmith	Newton	Winwick	Lane.
37.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Field.
38.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Ditto.
39.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Ditto.
40.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Ditto.
41.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Ditto.
42.	Ditto - - - }	- -	Ditto - -	Ditto	Ditto	Ditto.
43.	Liverpool and Manchester Railway Company - }	- -	{ Liverpool and Manchester Railway Company - - }	Ditto	Ditto	Railway.

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