



ANNO QUINTO

GULIELMI IV. REGIS.

Cap. viii.

An Act for incorporating the *Warrington and Newton Railway* with the *Grand Junction Railway*, and for extending to the said first-mentioned *Railway* the Provisions of the several Acts of Parliament relating to the said last-mentioned *Railway*; and for other Purposes relating thereto.

[12th June 1835.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *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*, whereby certain Persons were united and made a Body Corporate by the Name of "*The Warrington and Newton Railway Company*," and were authorized to make and maintain a certain *Railway* or *Tramroad* to be called "*The Warrington and Newton Railway*," together with certain *Branches* therefrom, in such Act mentioned; And whereas another Act was passed in the Eleventh Year of the Reign of His said late Majesty, intituled *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, and explaining, altering, amending, and enlarging some of the Powers and Provisions of the* 10 G. 4. c. 37.

[Local.] Z z Act.

11 G. 4. c. 57.

Act relating thereto, whereby the *Warrington and Newton Railway Company* were authorized to extend and alter the Line of their said Railway: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act for making a Railway from the Warrington and Newton Railway at Warrington in the County of Lancaster to Birmingham in the County of Warwick, to be called the Grand Junction Railway*, whereby certain Persons were united and made a Body Corporate by the Name of "The Grand Junction Railway Company," and were authorized to make and maintain a certain Railway to be called "The Grand Junction Railway," from the said *Warrington and Newton Railway* to *Birmingham*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to enable the Grand Junction Railway Company to alter and extend the Line of such Railway, and to make a Branch therefrom to Wolverhampton in the County of Stafford; and for other Purposes relating thereto*: And whereas the Main Line of the *Warrington and Newton Railway*, and one of the said intended Collateral Branches therefrom, namely, that in the said recited Act of the Tenth Year of the Reign of His said late Majesty mentioned as intended to terminate near a Place therein called *Bankey* or *Bank Quay*, has been made and opened to the Public: And whereas the Grand Junction Railway Company are proceeding in their Undertaking, under the Powers and Provisions of the several Acts relating thereto: And whereas it is expedient that the Grand Junction Railway and the *Warrington and Newton Railway* should be made, and compose one continuous Line of Railway under one common Control and System of Management, and that the Powers and Provisions of the recited Acts relating to the *Warrington and Newton Railway* should be repealed, and that the said Undertaking of the last-mentioned Company should be incorporated with and form Part of the Undertaking of the Grand Junction Railway Company, to all Intents and Purposes: And whereas the *Warrington and Newton Railway Company* consent and agree to the aforesaid Premises; but the several Purposes aforesaid cannot be carried into effect 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 Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Tenth and Eleventh Years of the Reign of His late Majesty King *George* the Fourth shall be and the same are hereby repealed, except as herein-after provided.

Recited Acts of 10 G. 4. and 11 G. 4. repealed, except as herein-after provided.

Recited Acts of 3 W. 4. and 4 W. 4., and all others relating to the Grand Junction Railway Company, shall extend to the *Warrington and Newton Railway*.

II. And be it further enacted, That from and after the passing of this Act, except as herein provided, the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and every other Act of Parliament for the Time being and from Time to Time relating to the Grand Junction Railway Company, shall extend to and comprehend, and be taken to extend to and comprehend the *Warrington and Newton Railway* and the several Branches therefrom, as fully, to all Intents and Purposes, as if the same Railway and Branches had been expressly mentioned therein as Part and Parcel of the said Undertaking of the Grand Junction Railway Company therein mentioned; and that all the Directors, Officers, Servants, Orders, Rules, Regulations, Matters, and Things for

the Time being appointed, chosen, employed, made, or done, of, for, or in, respect of the Grand Junction Railway, shall equally extend to and comprehend, and be taken to extend to and comprehend the *Warrington* and *Newton* Railway and the said several Branches therefrom.

III. Provided always, and be it further enacted, That the Provision contained in the recited Act of the Third Year of the Reign of His present Majesty, authorizing a Charge by the Grand Junction Railway Company as for Six Miles in all Cases of Carriage for less than Six Miles, shall not extend to the Line of the said *Warrington* and *Newton* Railway, but that in lieu thereof, as regards the Line of the *Warrington* and *Newton* Railway, that Provision in the recited Act of the Tenth Year of the Reign of His late Majesty which applies to Cases of Carriage for any short Distance shall remain in force.

Provision in Grand Junction Railway Act as to Carriage for short Distances not to extend to the *Warrington* and *Newton* Line.

IV. And be it further enacted, That nothing herein contained shall abate any Action or Suit at the Time of the passing of this Act commenced by or against the *Warrington* and *Newton* Railway Company, but the same may be continued and proceeded with as if this Act had not passed; and that nothing herein contained shall extend to revive or continue any Right of Action which by virtue of either of the said recited Acts of the Tenth and Eleventh Years of the Reign of His said late Majesty should be brought within a limited Time; and that nothing herein contained shall prevent the suing for or recovering any Penalty incurred for any Offence against the Provisions of either of the said Acts previously to the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, or to prevent, defeat, or abate any Prosecution commenced or to be brought for any such Offence, but all Penalties which may have been incurred and all Offences which may have been committed before that Date may be sued for and prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

Nothing herein to abate Actions, or prevent the Recovery of Penalties, &c.

V. And be it further enacted, That as from the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, except as herein-after provided, the said Undertaking of the *Warrington* and *Newton* Railway Company shall be incorporated with and form Part of the Undertaking of the Grand Junction Railway Company, and that all the Works of the *Warrington* and *Newton* Railway Company, and all their Lands, Tenements, and Hereditaments, Shares, Profits, Monies, Goods, Rights, and Credits, and all and every the Real and Personal Estate and Effects of such last-mentioned Company, shall be and the same are hereby vested in the Grand Junction Railway Company, and may be recovered by the Grand Junction Railway Company in the same Manner, and by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties and Forfeitures in regard thereto respectively, as in the said recited Acts of the Tenth and Eleventh Years of His said late Majesty respectively enacted with reference to the *Warrington* and *Newton* Railway Company.

Works and Property of the *Warrington* and *Newton* Railway Company vested in the Grand Junction Railway Company.

VI. Provided always, and be it further enacted, That nothing herein contained shall affect the Profits of the said *Warrington* and *Newton* Railway

Profits on and before 31st Day of

December 1834 to belong to the Warrington and Newton Railway Company.

Railway Company accrued due on or before the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, but that the same, and all Monies due and owing to the said *Warrington* and *Newton* Railway Company to that Date, shall be received by and divided amongst the Persons who at the Time of the passing of this Act shall be the Proprietors of the Shares in the Undertaking of that Company (according to such their several Shares therein), or their Executors or Administrators, and that the same may at any Time hereafter be sued for, received, and recovered by such Proprietors, or their Executors or Administrators, in the Name of the *Warrington* and *Newton* Railway Company, and by the same Means and in the same Manner as if this Act had not been passed.

Mode of Proceedings at Law or in Equity against the *Warrington* and *Newton* Railway Company.

VII. And be it further enacted, That, in order to the due Recovery against the *Warrington* and *Newton* Railway Company of such Debts, Demands, and Monies as were due or owing by them on or before the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, the Writ or other Proceeding at Law or in Equity against the said *Warrington* and *Newton* Railway Company shall at all Times after the passing of this Act be served in the same Manner in every respect as Writs or other Proceedings at Law or in Equity against the *Warrington* and *Newton* Railway Company are by the Statutes heretofore in being relating thereto directed to be served, and that the Clerk for the Time being of the Grand Junction Railway Company shall appear to and defend the same for and in the Name of the *Warrington* and *Newton* Railway Company; and that in order to the obtaining Execution in respect thereof, for any Debt, Damages, Demands, Costs, or otherwise, (in case the ordinary Mode of attaching or taking out Execution against the Lands, Goods, Chattels, and other Property of the *Warrington* and *Newton* Railway Company shall be ineffectual,) it shall be lawful, by Leave of the Court wherein the said Action or Suit is pending first granted, to issue Execution or otherwise proceed against the Lands, Goods, Chattels, and other Property of the several Persons and Corporations who at the Time of the passing of this Act shall be Proprietors of the Shares in the Undertaking of the *Warrington* and *Newton* Railway Company, or of any One or more of them, or of the Heirs, Executors, Administrators, Successors, or other Representatives respectively of them or any of them, and that such Person or Corporation, or the Heirs, Executors, Administrators, Successors, or other Representatives of whom respectively, on or against whom, or whose Lands, Goods, Chattels, or other Property, such Execution shall have been levied or such Proceeding taken, shall, by Action at Law or Suit in Equity, recover and compel a Contribution for all Damage, Costs, or other Loss from the several other Persons or Corporations who at the Time of the passing of this Act shall be such Proprietors as aforesaid, or the Heirs, Executors, Administrators, Successors, or other Representatives of such Proprietors, proportioned to the Number of Shares whereof such Persons or Corporations were Proprietors respectively as aforesaid.

Grand Junction Railway Company to indemnify *Warrington*

VIII. And be it further enacted, That the said Grand Junction Railway Company shall indemnify the said *Warrington* and *Newton* Railway Company against and shall discharge such (and such only) of their Debts due

due on or before the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four as are mentioned in the Schedule to this Act annexed.

and Newton Company against certain Debts.

IX. And be it further enacted, That all Purchases, Sales, Conveyances, Mortgages, Bonds, Securities, Grants, Leases, and Agreements made or entered into before the passing of this Act to, with, by, or in reference to the *Warrington and Newton Railway Company*, shall be as valid and effectual for or in reference to the *Grand Junction Railway Company* as if the last-mentioned Company had been Party to the same, or named or referred to therein, instead of the *Warrington and Newton Railway Company*.

Contracts with the *Warrington and Newton Railway Company*.

X. And be it further enacted, That in consideration of the Addition hereby made to the Stock of the *Grand Junction Railway Company* it shall be lawful for the same Company (over and above the Sum of Money by the said first-recited Act relating thereto authorized to be raised by means of Ten thousand and four hundred Shares, as therein provided,) to make and create Five hundred and eighteen other Shares of One hundred Pounds each, such new Shares to be numbered in Arithmetical Progression, beginning with the Number Ten thousand four hundred and one, and each such Share shall be distinguished by the Number to be applied to the same; and all Bodies Politic, Corporate, or Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall be Proprietors of any such new Shares, shall be entitled to and receive, in equal and proportionate Parts with the Proprietors of the said original Ten thousand and four hundred Shares, (according to the Number of Shares respectively holden,) the net Profits and Advantages which at any Time after the *Grand Junction Railway* shall be opened throughout for Business shall arise or accrue to the *Grand Junction Railway Company*; and, except as herein-after respectively provided, all the Clauses, Provisions, Powers, Penalties, Rights, Privileges, Matters, or Things in the said recited Acts, or any other Act for the Time being, and from Time to Time, relating to the *Grand Junction Railway Company*, concerning or with reference to the Shares of and in the Undertaking of the *Grand Junction Railway Company*, or the Owners thereof, or the Calls upon them, shall extend and apply to the said Shares hereby authorized to be made and created.

Grand Junction Railway Company authorized to create 518 new Shares

XI. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, and all Persons who at the Time of the passing of this Act shall be Proprietors of or entitled to the Shares in the Undertaking of the *Warrington and Newton Railway Company*, and their respective Successors, Executors, Administrators, Assigns, or other Representatives, shall be entitled to One of the said new Shares in the Undertaking of the *Grand Junction Railway Company* so authorized to be created as aforesaid for every Share to which they are so entitled in the Undertaking of the *Warrington and Newton Railway Company*, and shall also be entitled to receive, from and out of the Sums of Money by the recited Acts relating to the *Grand Junction Railway Company* authorized to be raised, Interest at the Rate of Four Pounds *per Annum* for every such Share from and inclusive of the First Day of *January* in the Year of our

The new Shares to be vested in the Shareholders of the *Warrington and Newton Railway Company*.

Lord One thousand eight hundred and thirty-five until the opening of the Grand Junction Railway throughout for Business, such Interest to be payable half-yearly, and the first Payment thereof to be made on the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-five.

Calls not to be made on the Proprietors of the new Shares until a certain Event.

XII. Provided always, and be it further enacted, That nothing in this Act or either of the said recited Acts relating to the Grand Junction Railway Company contained shall authorize the Directors of the Grand Junction Railway Company to make Calls of Money from the Proprietors of the said new Shares, in respect of such new Shares, until the same Amount shall have been paid under Calls in respect of the said original Shares in the Undertaking of the Grand Junction Railway Company respectively as has already been paid under Calls in respect of Shares in the *Warrington* and *Newton* Railway Company (being the Sum of One hundred Pounds for each such Share); excepting always and unless the Grand Junction Railway Company shall, before the Money by the recited Act of the Third Year of the Reign of His present Majesty authorized to be raised by Subscription shall have been actually raised and paid up, borrow Money under the Provisions of the lastly above-recited Act in that Behalf, in which Event the Proprietors of the said Five hundred and eighteen new Shares shall be entitled to and receive, from and out of the Sum of Money so to be borrowed, or out of other Funds of the said Grand Junction Railway Company, the Excess of Money *per* Share which shall have been paid under Calls (to the Extent aforesaid) in respect of the Shares in the *Warrington* and *Newton* Railway Company beyond what shall then have been paid in respect of the said original Shares in the Undertaking of the Grand Junction Railway Company, and shall after Receipt of such Excess become and be liable to Calls equally with and in the same Manner in all respects as the Proprietors of the Ten thousand four hundred original Shares of the said Grand Junction Railway Company.

Company not to obstruct the Navigation of the Sankey Canal.

XIII. Provided also, and be it further enacted, That the said Grand Junction Railway Company 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 Proprietors of that Canal 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.

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

XIV. And be it further enacted, That in case the said Grand Junction Railway Company shall in the Repair or Alteration of the said *Warrington* and *Newton* Railway 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 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 the said Proprietors of the said *Sankey Brook*

Brook Canal, or any One or more of them, and they and he are and is hereby authorized and empowered, at the Expiration of such Notice, by themselves, himself, or herself, or their or any of 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 to or for the Use of the said Proprietors of the said *Sankey Brook Canal*, and in default of such Payment on Demand by 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 One or more of the said Proprietors of the said *Sankey Brook Canal*, his, her, their, or any of their Clerks or Agents or 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 Railway Company, 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*.

XV. 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, which at the Time of the passing of the said recited Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth were 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 *Warrington* and *Newton* Railway or the Branches thereof, so as to intersect the same or the 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 Grand Junction 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 Grand Junction 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 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

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

to name and appoint such Arbitrator or Umpire, being a Civil Engineer; 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 Sankey Canal and Liverpool and Manchester Railway Companies.
28 G. 2. c. 8.

2 G. 3. c. 56.

7 G. 4. c. 49.

XVI. 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 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 Mersey below Sankey Bridge up to Boardman's Stone Bridge on the South Branch, to Gerard's Branch 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 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; or to prejudice, diminish, alter, interfere with, or take away any of the Rights, Franchises, Privileges, Powers, or Authorities given to or for the Benefit of or vested in the *Liverpool and Manchester Railway Company* at Common Law or in and by an Act passed in the Seventh Year of the Reign of His late Majesty King *George the Fourth*, 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 the several other Acts passed in the Seventh and Eighth, the Ninth, and Tenth Years respectively of the Reign of His said late Majesty, and in the First and Second Years of the Reign of His present Majesty King William the Fourth, relating to the said Liverpool and Manchester Railway; but saving and reserving to such Companies respectively all their 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 passed.**

Saving the Rights of the Right Hon. Lord Lilford and the Rector of Winwick for the Time being.

XVII. Provided also, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to take away, alter, or abridge any of the Rights, Privileges, Exemptions, Powers, or Authorities which the Right Honourable *Thomas Lord Lilford*, his Heirs or Assigns, and the Rector of *Winwick* for the Time being, respectively, or their respective Tenants, have or are entitled to under the said recited Acts of the Tenth and Eleventh Years of the Reign of His said late Majesty King *George the Fourth*, as regards the said *Warrington and Newton Railway*.

XVIII. And

XVIII. And be it further enacted, That the said Grand Junction Railway Company shall bear, pay, and discharge, out of the Money to be received by them under the Authority of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, and in preference to any other Payments whatsoever, all the Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto.

Grand Junction Railway Company to pay Expences of this Act.

XIX. 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.

Public Act.

The SCHEDULE to which the foregoing Act refers.

Money borrowed on Bond by the Warrington and Newton Railway Company	£	s.	d.
- - - - -	- 6,604	0	0
Money advanced to them by their Bankers	- 8,729	0	0
Balance of their current Debts on 31st of December 1834	170	17	7
	<hr/>		
	15,503	17	7
	<hr/>		

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.