



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## Cap. cxviii.

An Act to empower the *London and North-western Railway Company* to make a Branch Railway from the *London and North-western Railway* near *Atherstone* to the *Midland Railway* at *Whitacre* in the County of *Warwick*. [2d July 1847.]

WHEREAS an Act was passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the London and Birmingham, Grand Junction, and Manchester and Birmingham Railway Companies*, which consolidated Company is thereby incorporated by the Name of the "*London and North-western Railway Company*:" And whereas a Railway from the said *London and North-western Railway* near *Atherstone* in the County of *Warwick* to join the *Midland Railway* at or near the *Whitacre* Station thereof in the Parish of *Nether Whitacre* in the same County would be of great public and local Advantage, and the said *London and North-western Railway Company* are willing to make such Railway if authorized by Parliament so to do: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's

9 & 10 Vict.  
c. 204.

[Local.]

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most

8 & 9 Vict.  
cc. 18. and  
20. extended  
to this Act.

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the "Railway Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable and are not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Railway and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

Extending  
the London  
and North-  
western  
Railway  
Acts to this  
Act.

II. And be it enacted, That all the Provisions of the said recited Acts relating to the *London and North-western Railway*, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Provisions of the said recited "Railway Clauses Consolidation Act" and "Lands Clauses Consolidation Act," shall extend to this Act, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and shall be construed and read together with this Act as forming One Act.

Short Title  
of Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and legal Documents of every Description, it shall be sufficient to use the Expression "*The London and North-western Railway, Atherstone and Whitacre Branch, Act, 1847.*"

Power to  
raise Money.

IV. And whereas the estimated Expence of the Works by this Act authorized is One hundred and thirty thousand Pounds; be it therefore enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, by the Creation of new Shares, in such Manner as shall be determined at any General Meeting of the said Company, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and thirty thousand Pounds.

Interest not  
to be paid on  
Calls paid  
up.

V. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for  
future Bills  
not to be  
paid out of  
the Com-  
pany's  
Capital.

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter

hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

VII. And be it enacted, That after the whole of the Capital in Shares or Stock by this Act and the said recited Acts limited or authorized to be raised shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized to be borrowed by the said recited Acts, the Sum of Forty-three thousand three hundred and thirty-three Pounds, and to secure the Payment of the Sums so to be borrowed, with Interest, by Mortgage of the Undertaking as by the said recited Acts provided, and subject to the several Provisions therein contained as applicable to the Monies thereby authorized to be raised on Mortgage or Bond, and the Securities thereby authorized to be granted in respect of the same.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That if, after having borrowed any Part of the Money by this Act authorized to be borrowed, the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum paid off, and so from Time to Time.

Reborrowing.

IX. Provided always, and be it enacted, That all Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuation thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former Mortgages to have Priority.

X. And be it enacted, That, subject to the Provisions of this Act and of the said recited Acts, it shall be lawful for the said *London and North-western* Railway Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, and Approaches thereto, commencing by a Junction with the *Trent Valley* Line of the *London and North-western* Railway in the Township of *Whittington* and Parish of *Grendon* in the County of *Warwick*, and terminating by a Junction with the *Birmingham and Derby* Line of the *Midland* Railway at or near the *Whitacre* Station of the said Railway in the Parish of *Nether Whitacre* in the said County of *Warwick*.

Authorizing Formation of Railway and Branches.

XI. And whereas Maps or Plans and Sections showing the Line or Levels of the said Railway by this Act authorized to be made, together with a Book of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Land which may be required to be taken for the Purposes of the said Railway, have been deposited with the Clerk of the Peace for the County of *Warwick*; be it therefore enacted, That, subject to the Powers of Deviation contained in the said "Railway Clauses Consolidation Act," and to the Provisions of this Act, the said

Railway to be made according to deposited Plans.

Railway

Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Certain  
Roads may  
be crossed  
on a Level.

XII. And be it enacted, That, subject to the Provisions in the "Railway Clauses Consolidation Act" contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railway by this Act authorized to be made to carry the same on the Level, and across the several Roads numbered on the Plan deposited as herein-before mentioned as follows; (that is to say,)

In the Parish of *Kingsbury*, the Roads numbered respectively Forty, Forty-eight, and One hundred and five.

Stations or  
Lodges to be  
erected at  
Points of  
crossing,  
and to abide  
by the Rules,  
&c. of Com-  
missioners  
of Railways.

XIII. And be it enacted, That for the greater Convenience and Security of the Public the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross on the Level any of the before-mentioned Roads; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Lands for ex-  
traordinary  
Purposes.

XIV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands already vested in them, or which they are at present authorized to purchase, and in addition also to the Lands herein-before authorized to be purchased by them, to purchase, with the Consent of the Owners and Occupiers thereof, any Lands adjoining or near to the Railway by this Act authorized to be made, not exceeding in the whole Twenty Acres, for any of the extraordinary Purposes specified in the said recited "Railway Clauses Consolidation Act."

Period for  
compulsory  
Purchase of  
Lands.

XV. And be it enacted, That the Powers of the Company for the compulsory Purchase of the Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for  
the Com-  
pletion  
of Works.

XVI. And be it enacted, That the said Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said recited

Acts granted to the Company for executing the said Railway shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

XVII. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Use of the Railway hereby authorized to be made, and in respect of the Use of Carriages and Engines used thereon, any Tolls, Rates, and Charges not exceeding the Tolls, Rates, and Charges which they are or may be authorized to demand and receive in respect of the Use of the said *London and North-western* Railway, and the Carriages and Engines employed thereon. Tolls.

XVIII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners (for the Time being) of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors. Saving the Rights of the Crown.

XIX. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to every other Payment whatsoever. Expences of Act.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions of the said several Acts Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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respectively shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to  
be subject to  
Provisions of  
any future  
general Act.

XXI. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the said Railway or Company from the Provisions of any general Act relating to this Act which may pass during the present Session of Parliament, or any general Act relating to Railways which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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