



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cclxxviii.

An Act to empower the *London and North-western Railway Company* to make a certain Branch Railway from *Kenilworth* to *Berkswell*, and to widen the Line from *Leamington* to *Coventry*, all in the County of *Warwick*; and for other Purposes. [22d 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 incorporated thereby under the Name of "The *London and North-western Railway Company*:" And whereas an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the London and Birmingham Railway in the Parish of Rugby in the County of Warwick to Leamington in the County of Warwick*, and under the Powers of the said Act the Undertaking thereby authorized is become vested in the said *London and North-western Railway Company*: And whereas it would be attended with great public and local Advantage if the *London and North-western Railway Company*

9 & 10 Vict. c. 204.
9 & 10 Vict. c. 368.

[Local.] 45 F were

were authorized to construct the following Railways, that is to say, a Railway from the *Coventry and Leamington* Line of the *London and North-western* Railway in the Parish of *Kenilworth* in the County of *Warwick* near to the *Kenilworth* Station to the Main Line of the said *London and North-western* Railway in the Parish of *Berkswell* in the said County of *Warwick*, and if the *London and North-western* Railway Company were also empowered to widen, alter, and enlarge the existing Line of Railway already constructed by the said Company between *Leamington* and *Coventry* in the said County of *Warwick*, or to construct an additional Line of Railway adjoining thereto; and the said *London and North-western* Railway Company are willing to execute the same several Railways and Works, 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 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 Railways and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict.
cc. 18. & 20.
incorporated with
this Act.

London and
North-western
Railway
Acts extended to
this Act.

II. And be it enacted, That all the Powers and Provisions of the said recited Acts, 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 "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 as forming One Act.

Short Title.

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, Branch from Kenilworth to Berkswell,*" and "*Leamington to Coventry Railway Enlargement, Act, 1847.*"

Railways to
be made ac-
cording to
deposited
Plans.

IV. And whereas Maps or Plans and Sections showing the Line or Levels of the said Railways authorized to be made under the Provisions of this Act, together with Books 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 Railways shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the said Company to enter upon,

upon, take, and use such of the said Lands as shall be necessary for the Purposes of the said Railways and the Works by this Act authorized.

V. And be it enacted, That, subject to the Provisions of this Act and of the said recited Acts, it shall be lawful for the *London and North-western* Railway Company to make and maintain the following Lines of Railway, with all proper Works and Conveniencés connected therewith; (that is to say,) Line of Railway.

A Railway commencing from the *Coventry and Leamington* Line of the *London and North-western* Company in the Parish of *Kenilworth* in the said County near to the *Kenilworth* Station thereof, and terminating in the said Parish of *Berkswell* in the said County :

A Railway commencing in the Parish of *Milverton* in the said County of *Warwick* at or near the present Station of the *London and North-western* Railway Company there, and terminating by a Junction with the Main Line of the said *London and North-western* Railway near to the City of *Coventry*.

VI. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land, with the Consent of the Owners and Occupiers thereof, for extraordinary Purposes connected with the Railways by this Act authorized, not exceeding Twenty Acres. Land for extraordinary Purposes.

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

VIII. And be it enacted, That the Railways by this Act authorized 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 Acts incorporated herewith or extended hereto, granted to the Company for executing the same Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railways as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period. Period for Completion of Works.

IX. And be it enacted, That when the said Railways or any Part thereof shall be completed the same shall form Part of the *London and North-western* Railway, and shall be subject to all the Provisions in the said recited Acts contained with reference to the Maintenance, Use, or Protection of the said *London and North-western* Railway, save so far as the said Provisions may be modified by this Act. Railways to form Part of North-western Railway.

X. And be it enacted, That the Company may, subject to the Provisions in this or the said recited Acts contained, lawfully demand and receive, for and in respect of Passengers and Animals, and for all Articles, Matters, and Things conveyed upon the Railways by this Act authorized to be made, or any Part thereof, and for the Use of Carriages and of Locomotive Engines or other Power supplied by the Company Company to take same Tolls as are already allowed.

Company thereon, such Rates, Tolls, or other Charges as by the said recited Acts or any of them the said Company are authorized to demand and receive for the like Passengers and Animals, Articles, Matters, and Things, conveyed upon the Railways thereby authorized, and for the Use of the like Carriages and Locomotive Engines or other Power supplied by the said Company, and for Conveyance upon the said Railways, and all Provisions and Regulations in the said recited Acts contained relative to the Imposition, Collection, and Recovery of Tolls, and all other Powers relating thereto, shall extend and be applicable to the Tolls to be levied by this Act.

Power to
raise Money.

XI. And whereas the estimated Expence of the Works by this Act authorized is Two hundred and three thousand Pounds; be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, on the Credit of their Undertaking and the surplus Revenue arising thereon, any further Sum or Sums of Money in the whole not exceeding the Sum of Two hundred and three thousand Pounds.

Provisions of
8 & 9 Vict.
c. 16. as to
borrowed
Money to
apply to
this Act.

XII. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of all or any of the Monies by this Act authorized to be raised by them, and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage until the whole of their Capital shall have been subscribed or taken up, and Half thereof paid up, or any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the said Capital of the Company in Shares or Stock.

Former
Mortgages,
&c. to have
Priority.

XIII. Provided always, and be it enacted, That all Mortgages, Bonds, and other Securities created under the Powers of the said recited Acts or any of them shall during the Continuance thereof respectively have Priority over any Security to be granted under the Powers of this Act.

Interest not
to be paid on
Calls paid
up.

XIV. 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.

XV. And

XV. 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 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.

Deposits for future Bills not to be paid out of the Company's Capital.

XVI. And whereas the Queen's most Excellent Majesty in right of Her Crown is seised of or entitled to the Advowson and Right of Patronage and Presentation to the Vicarage of *Kenilworth* in the Diocese of *Worcester* in the County of *Warwick*: And whereas certain Parts of the Glebe or other Lands belonging to the said Vicarage are intended to be purchased and taken by the Company for the Purposes of the Railway; be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to contract and agree with the said Company for the absolute Sale in Fee Simple of such Part of the Glebe or other Lands belonging to or Part of the said Vicarage as the Company are by this Act authorized to purchase, at or for such Price or Consideration in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Commissioners for the Time being and the Company, and upon Payment of such Price or Consideration, by any Deed or Writing under the Hands and Seals of the said Commissioners for the Time being to convey such Part of the said Glebe or other Lands, and the Fee Simple and Inheritance thereof, to the said Company, for the Purposes of this Act, which said Deed or Writing, being enrolled in the Office of Land Revenue Records and Enrolments, and registered in the Registry of the Diocese in which the said Vicarage is situate, shall be effectual to vest in the Company the Lands therein or thereby expressed to be conveyed, any Act or Law to the contrary notwithstanding; and the Purchase or Consideration Money expressed in such Conveyance shall before the Execution thereof by the said Commissioners for the Time being be invested, by and at the Expence of the said Company, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, in the Name or Names of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy as incorporated; and until such Annuities shall be sold for the Purposes herein-after mentioned the said Governors shall and they are hereby required from Time to Time to pay the Dividends thereof to the Minister for the Time being of the said Vicarage, according to the Rules, Orders, and Regulations of the said Governors in that Behalf with respect to the General Funds at their Disposal.

Commissioners of Woods, &c. to agree with Company for Purchase of Lands belonging to the Vicarage of Kenilworth.

Purchase Money to be vested by Governors of Queen Anne's Bounty, and Dividends paid to the Vicar.

XVII. And be it enacted, That it shall be lawful for the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request

Governors of Queen Anne's Bounty may lay out Pur-

[*Local.*]

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in

chase Money
in Purchase
of other
Lands, to be
held as Part
of the
Vicarage.

in Writing of the Minister for the Time being of the said Vicarage, and to whom any such Dividends shall be payable, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of other Lands, convenient to be held as Part and Parcel of the said Vicarage; and the said Governors shall cause such Lands, when so purchased, to be well and effectually conveyed to and vested in the Minister for the Time being of the said Vicarage, and his Successors, to be held by them as Part and Parcel of the said Vicarage for ever.

Mode of as-
certaining
Compensa-
tion to be
paid for
such Lands.

XVIII. And be it enacted, That in ascertaining and fixing the Price or Compensation to be paid by the said Company for the Portion of the Glebe or other Lands aforesaid every Damage which the said Vicarage, or the Lands thereof or any Part thereof, shall or may sustain by reason or means of any Works done or which may be done by the Company, shall be computed and taken into account; and in case the Company and the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall differ in opinion with regard to such Price or Compensation, the same may be fixed and determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845:" Provided always, nevertheless, that all the Costs, Charges, and Expences incurred or to be incurred by or on behalf of the said Commissioners for the Time being in ascertaining and fixing the Amount of such Price or Compensation, howsoever or by whomsoever settled, and of the Conveyance of such Lands to the Company, and of the Enrolment and Registration of such Conveyance, and of settling the Communications to be made and maintained by the Company, as herein-after provided for, and of the Reinvestment of such Price, or the Government Securities purchased therewith, in the Purchase of other Lands, by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and all reasonable Costs, Charges, and Expences incident to the Premises or in any way connected therewith, as well before as after the passing of this Act, shall be wholly borne and paid by the Company.

Communica-
tions to be
made.

XIX. And be it enacted, That the Company shall and they are hereby required, at their own Costs and Charges, to make and construct such convenient Communications across, over, or under the said Railway, where it shall be carried through or over the Glebe or other Lands of or belonging to the said Vicarage, as shall in the Judgment of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings be necessary for the convenient Enjoyment and Occupation of the said Vicarage by the Minister thereof for the Time being, or other Lands belonging thereto; and such Communications, when so made, shall at all Times be kept in good Order and Repair by and at the Expence of the Company: Provided always, that the Mode of making and constructing such Communications, the Materials to be used in and about the same, and all Particulars relating thereto, shall be settled and determined by the Engineer for the Time being of the said Commissioners and by the Engineer for the Time being of the said Company, and in the event of their differing in opinion in regard thereto then by some

Third

Third Person to be appointed by such Two Engineers, whose Decision in the Matters referred to him shall be binding on all Parties.

XX. 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, Lands 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
Rights of
the Crown.

XXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the 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 Railways hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railways and Company in respect thereof, so far as the same are applicable.

Railway
Company to
be subject
to Pro-
visions 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.

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways, now in force or which may hereafter pass during this 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.

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

XXIII. 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 any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that

Expences of
Act.

that shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act.

XXIV. 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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