



ANNO SEXTO

VICTORIÆ REGINÆ.

Cap. iii.

An Act to authorize certain Alterations in the Works of the *Warwick and Leamington Union* Railway, and to confirm the Purchase thereof by the *London and Birmingham* Railway Company, and to enable that Company to raise a further Sum of Money, and to convert their Shares into Stock. [3d April 1843.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Branch Railway from the London and Birmingham Railway at Coventry to communicate with the Towns of Warwick and Leamington in the County of Warwick*: And whereas by the said Act “The *Warwick and Leamington Union* Railway Company,” thereby incorporated, were empowered to sell, and the *London and Birmingham* Railway Company were empowered to purchase, (subject to such Consent of the respective Proprietors in the said Two Companies as therein mentioned,) the Railway thereby authorized to be made, or any Share or Interest therein, and the said *London and Birmingham* Railway Company were authorized, on the Completion of such Purchase, to use, exercise, and enjoy, or participate in the Use, Exercise, and

[Local.] N Enjoyment

5 & 6 Vict.
c. 81.

Power to
alter the
Railway ac-
cording to
the altered
Section
deposited as
herein-after
mentioned.

Enjoyment of the Powers, Rights, and Privileges conferred by the said Act on the said *Warwick and Leamington Union Railway Company*, and were also authorized to create new Shares for completing such Purchase, or for constructing the said *Warwick and Leamington Union Railway*: And whereas it is expedient that certain Alterations should be made in the Works of the said Railway as at present authorized, and also that some of the Provisions of the above-recited Act should be amended, and further Powers granted to the said *London and Birmingham Railway Company*: 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 this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Warwick and Leamington Union Railway Company*, or in case the said *London and Birmingham Railway Company* shall make and complete the Purchase of the Undertaking by the said recited Act authorized, as herein-after mentioned, then for the *London and Birmingham Railway Company*, to construct the Railway by the said recited Act authorized to be made according to the altered Section thereof deposited as herein-after mentioned, to which last-mentioned Section, and the Works to be executed according thereto, all the Provisions of the said recited Act and of this Act shall apply, in like Manner as though such Section had been the Section of the Railway by the said recited Act authorized, and deposited with the Clerk of the Peace for the County of *Warwick*, as therein mentioned.

The deposited
Section to be
open to
Inspection,
and Copies
had thereof.

II. And whereas such altered Section, showing the Levels and Gradients of the said Railway as proposed to be constructed, has been deposited for public Inspection with the Clerk of the Peace of the County of *Warwick*, at his Office in *Stratford-on-Avon*; be it enacted, That all Persons interested may at all seasonable Times inspect such altered Section, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and the said Clerk of the Peace shall give Access to the same, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the First Hour; and if the said Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Power to
deposit
Soil, and
to form
Spoil Banks.

III. And whereas by the said recited Act the Company thereby incorporated are empowered, during the Construction or Repair of the said Railway, to take temporary Possession of Lands adjoining the Line of the said Railway within certain Limits therein specified, for the Purpose of Side Cuttings for obtaining Materials, and for forming Roads of Communication, and it is essential that the said Company should also have Power to deposit Spoil on the said Lands, subject to the Conditions and Restrictions contained in the said Act; be it therefore enacted, That in the Execution or Repair of the said Railway the said *Warwick and Leamington Union Railway Company*,

or the *London and Birmingham* Railway Company, if they shall purchase the said Undertaking as aforesaid, shall (subject to such Provisions and Restrictions as aforesaid) have Power to deposit Soil and to form Spoil Banks on any Lands which by the said recited Act are authorized to be entered upon and occupied for the Purpose of taking Earth or Soil by Side-cutting therefrom.

IV. And whereas it was by the said recited Act enacted, that no Carriage should carry or bear at any One Time upon the Railway, including the Weight of such Carriage, more than the Weight of Four Tons, except any One Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article, and no such excepted Article the Weight of which, including the Carriage, should exceed Eight Tons, should be carried upon any Part of the Railway, without the special Licence of the Company: And whereas it is expedient that the said recited Enactment should be repealed; be it therefore enacted, That the same shall be and the same is hereby accordingly repealed.

Repealing
Clause as to
Limit of
Weights to
be carried on
the Railways.

V. And whereas by an Act of Parliament passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, and by another Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, certain Provisions were enacted for the Supervision of Railways and other Purposes; be it enacted, That the Provisions of the said recited Acts, except such of the same as shall be repealed or inapplicable to the Railway to be made by virtue of this and the said recited Act, shall be in force in respect of the said Railway, in the same Manner as if such Power were repeated and re-enacted in this Act in reference to the same.

Provisions of
3 & 4 Vict.
c. 97. and
5 & 6 Vict.
c. 55. to
be applicable
to the War-
wick and
Leamington
Union Rail-
way.

VI. And whereas it was by the said recited Act enacted, that the Directors of the said *Warwick and Leamington* Union Railway Company should, at their First Meeting to be held after the passing of the said Act, elect a Chairman, and that the said Company, at the First General Meeting to be held after the passing of the said Act, should appoint a Secretary and Treasurer, which the said Directors and the said Company have respectively omitted to do, and it is expedient that such Omission should be rectified; be it therefore enacted, That all Acts of the said Directors and of the said Company since the passing of the said Act shall, notwithstanding such Omission as aforesaid, be as valid as though such Chairman, Secretary, and Treasurer had been duly elected and appointed in accordance with the Provisions of the said Act; and it shall be lawful for the Directors of the said *Warwick and Leamington* Union Railway Company, at any Meeting to be held after the passing of this Act, to elect a Chairman, and for the said Company, at any General Meeting to be held after the passing of this Act, to appoint a Secretary and Treasurer; and such Election and Appointments respectively shall be as valid as though the same had been made in accordance with the Provisions of the said recited Act.

For remedy-
ing Omission
in the Ap-
pointment of
a Chairman
of Directors,
Secretary,
and Trea-
surer.

VII. And

Transferring
the Warwick
and Lea-
mington
Union Rail-
way to the
London and
Birmingham
Railway
Company.

VII. And whereas at a General Meeting of the Proprietors of the said *Warwick and Leamington Union* Railway Company held on the Seventh Day of *March* One thousand eight hundred and forty-three it was unanimously resolved that the Undertaking by the said recited Act authorized should be transferred to the said *London and Birmingham* Railway Company, subject to the existing Liabilities affecting the same, and subject and according to the Provisions of the said recited Act; and the said *London and Birmingham* Railway Company are willing to accept and undertake the Execution of the said Undertaking, and to provide the necessary Funds for that Purpose; be it therefore enacted, That from and immediately after the passing of this Act all the Estate, Right, and Title of the said *Warwick and Leamington Union* Railway Company in the said Undertaking, and all the Rights, Privileges, Powers, and Authorities by the said recited Act and by this Act given to the said *Warwick and Leamington Union* Railway Company, shall be and be held to be vested in the said *London and Birmingham* Railway Company, and may lawfully be used and exercised by them, and all the Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in the said recited Act shall (with reference to such Works and Things as might have been made or done thereunder, or under this present Act, by the said *Warwick and Leamington Union* Railway Company, in anywise in relation to their said Undertaking, if this Act had not been passed) be applied and applicable to the said *London and Birmingham* Railway Company, their Officers, Agents, and Servants, in every respect, and as if the *London and Birmingham* Railway Company had been in every Case written in lieu and instead of the *Warwick and Leamington Union* Railway Company in the said recited Act and in this Act.

Power to
the London
and Birming-
ham Railway
Company to
raise addi-
tional Capital.

VIII. And be it further enacted, That it shall be lawful for the said *London and Birmingham* Railway Company, as well for the Purpose of making and completing the Purchase of the said Undertaking called the *Warwick and Leamington Union* Railway, and executing the same, and the Works and Stations thereof, and providing all necessary Engines and Carriages and other Accommodations for the Use of the same, as for the Purpose of providing additional Conveniences for the safe and effectual working of the Line of the said *London and Birmingham* Railway, and the increasing Traffic thereof, and also of discharging such Liabilities as the said last-mentioned Company may have already incurred for the Purposes aforesaid, to raise, by creating new Shares or Stock of the Company, of such Amount and in such Manner as they shall think fit, and in addition to the Sums which they are at present authorized to raise or may be authorized to raise under any Act to be passed in the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Six hundred and seventy-three thousand Pounds.

Regulations
as to new
Shares or
Stock.

IX. And be it enacted, That the Capital so to be raised by the said *London and Birmingham* Railway Company by the Creation of new Shares or Stock as aforesaid shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions

Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares or Stock on Nonpayment of Calls, or Conversion into Stock, or otherwise, as if it had been Part of the original Capital, except as to the nominal Amount or Value of such Shares or Stock, and the proportionate Dividends thereon respectively, and except as to the Amount and Time of Payment of Calls on such new Shares or Stock, which the Directors of the said Company shall fix from Time to Time as they think fit.

X. And be it enacted, That the further Sum so to be raised by the said *London and Birmingham* Railway Company, by the said new Shares or Stock as aforesaid, shall be offered to the several Persons who may be Shareholders in that Company at the Time of the Creation of such new Shares or Stock, in proportion, as nearly as can be conveniently done, to the Amount or Value (to be determined at a General Meeting of the said Company) of the then existing Shares or Stock held by them respectively, and such Offer shall be made by Letter under the Hand of the Secretary, given to or sent by Post to each Shareholder or Stockholder, or left or addressed to his last Address appearing in the Register Book of Shareholders or Stockholders, of which Letter having been so given or sent the Certificate of such Secretary shall be conclusive Evidence, and such new Shares or Stock shall vest in and belong to the Shareholders or Stockholders who shall accept the same, and pay to the Company the Price at which the same were or was allotted to them, at the Times and by the Instalments which shall be fixed by the Directors of the said *London and Birmingham* Railway Company; and if any Shareholders or Stockholders fail for One Month after such Offer of such new Shares or Stock to accept the same, or to pay any of the Instalments called for in respect thereof, it shall be lawful for the Directors of the said *London and Birmingham* Railway Company to dispose of such Shares or Stock to any Party willing to become the Purchaser thereof, for such Sum as the said Directors can obtain for the same, or otherwise as they shall think proper.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

XI. And whereas the Capital Stock of the said *London and Birmingham* Railway Company is divided into separate Shares of a fixed Amount, distinguished by separate Numbers in arithmetical Progression; but it is expedient that such Provision should be made for the Consolidation of such Shares as herein-after expressed; be it therefore enacted, That it shall be lawful for the said *London and Birmingham* Railway Company, with the Consent of Three Fifths of the Proprietors present, in Person or by Proxy, at any General Meeting of the said Company, from Time to Time to direct that all or any of the Shares then existing in the Capital of the said *London and Birmingham* Railway Company, the whole Money subscribed in respect of which shall have been called for and paid, be consolidated into a general Capital Stock, at such Time, and under such Terms and Conditions, as shall be determined at any General Meeting of the said Company, to be divided among the several Proprietors from Time to Time according to their respective Interests therein.

Power to consolidate Shares into Stock.

[*Local.*]

O

XII. And

Proprietors
of Stock may
transfer the
same.

XII. And be it enacted, That after such Consolidation shall have taken place all the Provisions contained in the several Acts now in force relating to the said *London and Birmingham* Railway Company which require or imply that the Capital Stock of the said Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers in arithmetical Progression, shall, as to so much of the said Capital Stock as shall have been so consolidated, cease and be of no Effect, and the several Proprietors of such Consolidated Stock may thenceforth transfer their respective Shares or Interests therein, or any Parts of such Shares or Interests, in the same Manner and Form, and subject to the same Regulations and Provisions, as or according to which the Shareholders in the said Undertaking may now transfer the Shares held by them respectively under the Acts now in force relating thereto, except so far as such Regulations and Provisions relate to the Division into Shares of a fixed Amount, or the Distinction thereof by Numbers in arithmetical Progression, as aforesaid, and the said Company shall, on Demand, cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer.

Register
Book to be
kept of con-
solidated
Stock.

XIII. And be it enacted, That the said *London and Birmingham* Railway Company shall from Time to Time, after such Consolidation as aforesaid, cause the Names of the several Parties interested in the said consolidated Stock, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register Book of Proprietors of the consolidated Stock" of the said Company, which Book shall be accessible at all reasonable Times to the several Proprietors in the said Undertaking.

Form of
Transfer of
Stock.

XIV. And be it enacted, That the Form of Transfer of Shares in the said consolidated Stock may be in the following Words or to the like Effect; (that is to say,)

' I *A.B.* of in consideration of the Sum of £
' paid to me by *C.D.* of do hereby assign and
' transfer to the said *C.D.* £ consolidated Stock of
' and in the Undertaking called the *London and Birmingham* Railway,
' standing in my Name in the Books of the Company [or Part of
' the Stock standing in my Name in the Books of the Company],
' to hold unto the said *C.D.*, his Executors, Administrators, or
' Assigns, [or Successors and Assigns,] subject to the several Con-
' ditions on which I held the same immediately before the Execution
' hereof; and I the said *C.D.* do hereby agree to accept and take
' the said Stock, subject to the Conditions aforesaid. As witness our
' Hands and Seals, the Day of .

Proprietors
of Stock to
be entitled to
Dividends,
&c. in pro-
portion to
their Interest.

XV. And be it enacted, That the several Proprietors in the said consolidated Stock shall be entitled to participate in the Dividends and Profits of the said Company according to the Amount of their respective Shares or Interests in such consolidated Stock, and such respective Shares and Interests shall, in proportion to the Amount thereof appearing in the Books of the said *London and Birmingham* Railway

Railway Company as belonging to such Proprietors, confer on them respectively the same Privileges and Advantages for the Purpose of voting at Meetings of the said Company, Qualification for the Office of Directors, and for other Purposes, as are conferred by the present Shares in the Capital of the said Company on the respective Proprietors thereof, every One hundred Pounds of such consolidated Stock being taken for all Purposes to be equivalent to One of the present Shares of One hundred Pounds, and so in proportion for any greater Amount; but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of One hundred Pounds of such consolidated Stock.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Act and this Act authorized to be made from the Provisions of any general Act relating to Railways which may be passed during the present or any future Session of Parliament.

This and recited Acts to be subject to the Provisions of any general Act.

XVII. And be enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act shall be paid by the said *Warwick and Leamington Union* Railway Company, or in case they shall purchase the said Undertaking, then by the said *London and Birmingham* Railway Company, out of the first Money received or to be received by them under the Authority of this and the said recited Act.

As to Expences of Act.

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

Public Act.

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