ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xli.

An Act to enable the *Chester and Holyhead* Railway Company to raise a further Sum of Money, and for other Purposes. [26th *June* 1849.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Chester *to* Holyhead, (7 & 8 Vict. c. 65.) whereby certain Persons were incorporated by the Name of the "*Chester and Holyhead* Railway Company:" And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her said Majesty, intituled *An Act for completing the Line of the* Chester and Holyhead *Railway, and for amending the Act relating to the said Railway:* (8 & 9 Vict. c. 33.) And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to enable the* Chester and Holyhead *Railway Company to extend their Line of Railway to the proposed new Harbour at* Holyhead, *and to contribute towards the Expense of constructing the said Harbour:* (10 & 11 Vict. c. 238.) And whereas another Act was also passed in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to authorize an Extension of and the Construction of a Station in connexion with the* Chester and Holyhead *Railway at* Chester, *and for other Purposes:* (10 & 11 Vict. c. 147.) And whereas another Act was passed in the Eleventh and Twelfth

11 & 12 Vict. c. 60.

Years of the Reign of Her said Majesty, intituled *An Act to enable the* Chester and Holyhead *Railway Company to purchase, hire, and use Steam Boats, and for other Purposes:* And whereas, for the Purpose of enabling the said *Chester and Holyhead* Railway Company to complete the Works authorized to be executed by the said recited Acts, it is expedient that the Capital of the said *Chester and Holyhead* Railway Company authorized to be raised by the Acts above recited should be increased, and that the said Acts should be amended for that Purpose; but the Purposes aforesaid cannot be attained without the Authority of Parliament: 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 in citing this Act in Parliamentary and legal Instruments and Documents it shall be sufficient to use the Expression "The *Chester and Holyhead* Railway (Increase of Capital) Act, 1849."

Short Title.

Power to raise additional Money by Creation of new Shares.

II. And be it enacted, That it shall be lawful for the said Company to raise the Sum of Three hundred and twenty-five thousand Pounds by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms generally and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose; or it shall be lawful for the said Company to raise the said Sum of Three hundred and twenty-five thousand Pounds by the Creation of Shares or Stock bearing a guaranteed Rate of Interest or Dividend not exceeding Ten *per Centum*, to be paid in preference to and before any Dividend shall be payable upon the general Capital of the Company: Provided always, that any preference or guaranteed Shares to be created under the Powers of this Act shall be postponed to and take effect after the preference or guaranteed Shares already created by the Company: Provided also, that Five Pounds *per* Share shall be the greatest Amount of any One Call which the Directors of the said Company may make on the Shares or Stock to be created under the Powers of this Act, and that there shall be an Interval of Two Calendar Months at least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call: Provided always, that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

Power to raise Money by Mortgage not exceeding 200,000*l.*

III. And whereas under and by virtue of the several Acts hereinbefore recited, and also by the *Mold* Railway Act, 1847, the said Company were empowered to raise the Sum of Two millions seven hundred and eighty thousand Pounds by the Creation of Shares, and a further Sum of Nine hundred and twenty-six thousand three hundred and thirty-two Pounds upon Mortgage of their Undertaking, which last-mentioned Sum or any Part thereof the said Company were authorized to raise by the Creation of Shares, if they should so think fit: And whereas the said Company, instead of borrowing the whole of the said Sum of Nine hundred and twenty-six thousand three hundred and thirty-two Pounds upon Mortgage as aforesaid, have raised the

the Sum of Two hundred thousand Pounds, being Part thereof, by the Creation of Shares: And whereas the total Capital which the said Company have raised and are authorized to raise in Shares amounts to the Sum of Two millions nine hundred and eighty thousand Pounds, and the Sum which the said Company are empowered to raise upon Mortgage amounts to the Sum of Seven hundred and twenty-six thousand three hundred and thirty-two Pounds: Be it therefore enacted, That it shall be lawful for the said Company, if they shall so think fit, to borrow on Mortgage such Sum of Money as shall from Time to Time be or shall have been authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of Two hundred thousand Pounds, as Part of the Sum of Three hundred and twenty-five thousand Pounds herein-before authorized to be raised by the Creation of Shares or Stock.

Power to borrow additional Money on Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Three hundred and twenty-five thousand Pounds shall have been subscribed or raised by Mortgage, as herein-before provided, and One Half of the Sum by this and the said recited Acts authorized to be raised by Shares shall have been paid up, it shall be lawful for the said Company, subject to the same or the like Provisions as are contained in the said recited Acts with reference to the Monies thereby authorized to be borrowed, to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of One hundred and eight thousand Pounds, in addition to the Sums which they are by the said Acts authorized to borrow: Provided always, that the Sum to be borrowed on Mortgage shall not, together with any other Sum which the said Company may be authorized to raise by Mortgage, exceed One Third of the then existing Share Capital of the said Company: Provided also, that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

Reborrowing.

V. 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 so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

VI. Provided always, and be it enacted, That all Mortgages granted by the said 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 Continuance thereof have Priority over all Mortgages to be created by virtue of this Act.

Power to convert Loan into Capital.

VII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of the additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares

Shares of the Company in manner aforesaid, but no such Augmentation of Capital shall take place unless by Order of a General Meeting of the Company.

Companies not to pay Interest on Calls paid up.

VIII. 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 Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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 contained in the several Acts relating to the said Company.

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

IX. 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 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.

Certain Provisions in first-recited Act as to providing a Station at Ty-Newydd repealed.

X. And whereas by the first-recited Act it was enacted, that the said Company should make simultaneously with the Railway thereby authorized to be made, and for ever thereafter maintain, a convenient Station on the Line of the said Railway at *Ty-Newydd* in the Parish of *Llangadwaladr* in the County of *Anglesea*, together with all necessary and proper Approaches to the said Station from the nearest Highway or Road, and should maintain a sufficient Establishment of Clerks and Porters or other Servants at such Station, and permit the Public to have free Access thereto for the Purpose of joining or communicating with the Trains stopping at such Station, subject to the same Regulations as were applied to other Stations upon the Line: And whereas the said Station was so required to be made by the said Company at the Instance of *Owen John Augustus Fuller Meyrick* Esquire, the Owner of considerable Property through or upon which the said Railway has been constructed, and as Part of the Consideration for which he disposed of the Parts of his Estate required by the said Company for the Construction of their said Railway: And whereas the said Company have agreed with the said *Owen John Augustus Fuller Meyrick* to construct a Station, in lieu of the one so as aforesaid required and agreed to be made at *Ty-Newydd*, on the Site herein-after described or referred to, and which has been found to be more for the public Convenience, and it is therefore expedient that the said Provision should be repealed: Be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

XI. And

For providing a Station to be called the Bodorgan Station.

XI. And be it enacted, That the said Company shall make, and for ever thereafter maintain, a convenient Station, to be called "The *Bodorgan* Station," on the Line of the said Railway, at the Spot now occupied by the said Railway formerly Part of Fields or Enclosures situate in the said Parish of *Llangadwaladr* in the said County of *Anglesea*, and numbered 16, 20, 22, and 23 on the Plans of the said Railway deposited with the Clerk of the Peace for the said County, or some or one of them, together with all necessary and proper Approaches to the said Station from the public Highway or Road numbered 113 on the said Plans in the Parish of *Trefdraeth* in the said County, and shall maintain a sufficient Establishment of Clerks and Porters, or other Servants, at such Stations, and permit the Public to have free Access thereto for the Purpose of joining or communicating with the Trains stopping at such Station, subject to the same Regulations as are applicable to other Stations upon the said Railway.

Power to reduce Number of Directors.

XII. And whereas by the firstly-recited Act it was enacted, that the Number of Directors of the said Company should be Eighteen, whereof Nine should be appointed by the Directors of the *London and Birmingham* Railway Company, now the *London and North-western* Railway Company, and the Remainder by the Shareholders of the *Chester and Holyhead* Railway Company, and it is expedient that the last-mentioned Company should be empowered to reduce the Number of Directors: Be it therefore enacted, That it shall be lawful for the said Company, from Time to Time, by the Vote of any General or Special General Meeting, to reduce the Number of Directors to any Number not less than Twelve; and in case of such Reduction being resolved upon the Number of Directors to be appointed by the *London and North-western* Railway Company shall be reduced in the same Proportion.

Railway Company to be subject to the 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.

XIII. 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 Two other Acts were passed in the Tenth Year of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railway by the said recited Acts authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway and Company so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future general Acts.

XIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or 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 the said recited Acts.

Expenses of Act.

XV. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, shall be paid and defrayed by the said Company out of the Funds of the said Company already raised or received, or to be raised or received by virtue of the said recited Acts or this Act.

Public Act.

XVI. 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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