ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. cclxviii.

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*. [13th *August* 1846.]

WHEREAS the making of a Railway from the *London and Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick* to the Town of *Leamington* in the County of *Warwick* would be of great public Advantage: And whereas the Persons herein-after named are willing, at their own Expence, to carry such Undertaking into execution; but the same cannot be effected 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 the several Acts following, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, shall be incorporated and form Part of this Act, and the Provisions of the said several Acts shall be applicable to the Purposes of this Act, except so far as the same Provisions or

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

any of them, are inconsistent with the Provisions of this Act, or are herein-after declared not to extend thereto.

Short Title.

II. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Rugby and Leamington* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That Sir *Gray Skipwith* Baronet, *Edward Horsman* Esquire, Member of Parliament, *Richard Burton Phillipson* Esquire, *Bonamy Price* Esquire, *Thomas George Skipwith* Esquire, *William Sale* Banker, *Edward Cropper* Esquire, *Constantine Richard Moorsom*, a Captain in the Royal Navy, and *Thomas Smith* Esquire, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from the *London and Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick* to or near to the Town of *Leamington* in the County of *Warwick*, with proper Works and Conveniences belonging thereto, according to the Provisions of the several Acts incorporated herewith, and of this Act, and for other the Purposes herein and in the several Acts incorporated herewith, and of this Act, and for other the Purposes herein and in the several Acts incorporated herewith contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Rugby and Leamington* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the several Acts incorporated herewith contained.

Capital.

IV. And whereas the estimated Expence of making the intended Railway and Works is Three hundred and sixty thousand Pounds; be it therefore enacted, That the Capital of the Company shall be Three hundred and sixty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number and Amount of Shares into which the Capital shall be divided shall be Twenty-two thousand and five hundred, and the Amount of each Share shall be Sixteen Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Calls shall be the greatest Number in any One Year upon any Share, and Three Months at least shall be the Interval between successive Calls.

Interest on Calls to be paid till Railway completed.

VII. And be it enacted, That it shall be lawful for the Directors, until the Railway shall be completed, to pay Interest at any Rate not exceeding Four Pounds *per Centum per Annum* on all Sums contributed or paid in respect of any Shares from the Time at which Contributions or Payments shall be made; provided that no Interest

shall be paid in respect of any Share upon which any Call shall be paid in arrear.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the Capital or Sum of Three hundred and sixty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

First and other General Meetings.

IX. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *July* and *January*; and the first of such Ordinary half-yearly Meetings shall be held in *January* One thousand eight hundred and forty-seven; and all Meetings, whether ordinary or extraordinary, shall be held in *London*, *Rugby*, or *Leamington*, as may be appointed by the Directors for the Time being.

Quorum of General Meetings.

X. And be it enacted, That the Quorum for every General Meeting of the Company shall be Five or more Shareholders holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XI. And be it enacted, That the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to vary the Number of Directors.

XII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Six.

First Directors.

XIII. And be it enacted, That Sir *Gray Skipwith* Baronet, *Edward Horsman* Esquire, Member of Parliament, *Thomas Edward Dicey* Esquire, *Richard Burton Phillipson* Esquire, *Bonamy Price* Esquire, *Thomas George Skipwith* Esquire, *William Sale* Esquire, *Edward Cropper* Esquire, *Constantine Richard Moorson*, a Captain in the Royal Navy, and *Thomas Smith* Esquire, shall be the first Directors of the Company.

Directors to remain in Office until first Meeting after passing of this Act.

XIV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of the Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

XV. And

Quorum of Directors.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three or more than Five, and the Quorum for every such Committee shall be Three.

Fees to be taken by the Company.

XVII. And be it enacted, That the Fees to be demanded by the Company for the following Matters shall not exceed the Sums following; (that is to say,)

For a Share Certificate, One Shilling:

For the Renewal of a worn-out or destroyed Certificate, One Shilling:

For the Entry of a Declaration of Proprietorship, Two Shillings and Sixpence:

For an Entry of the Indorsement of the Transfer of Shares, Two Shillings and Sixpence:

For the Entry of the Transfer of a Mortgage, Two Shillings and Sixpence.

Shareholders may convene Extraordinary Meetings.

XVIII. And be it enacted, That the Number of Shareholders who shall be competent to require the Directors to call an Extraordinary Meeting of the Company, or who, in default thereof, shall be competent to call such Meeting, shall be Ten, holding in the aggregate not less than One Fortieth Part of the Capital of the Company.

Newspapers for Insertion of Advertisements.

XIX. And be it enacted, That the Newspaper in which Advertisements relating to the Affairs of the Company to be inserted shall be published in *Warwick*.

Railway to be made according to deposited Plans.

XX. And whereas Plans and Sections of the Railway showing the Line and Level thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace of the County of *Warwick*; be it enacted, That, subject to the Provisions in this Act, and the Acts incorporated herewith, or any of them, contained, it shall be lawful for the Company to make and maintain the Railway and Works in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Line of Railway.

XXI. And be it enacted, That the Railway shall commence by a Junction with the *London and Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick*, and shall pass from thence in, from, through, or into the following Parishes or Places, or some of them, (that is to say,) *Rugby*, *Bilton*, *Newbold-upon-Avon*, *Long Lawford*, *Dunchurch Causton*, *Thurlaston*, *Bourton* otherwise *Bourton-on-Dunsmore*, *Draycote*, *Frankton*, *Birdingbury* otherwise *Birbury*, *Marton*, *Eathorpe*, *Wappenbury*, *Honingham* otherwise *Hunningham*, *Long Itchington*, *Newfields*, *Snowford*, *Offchurch*, *Bury*, *Radford*,

Radford, *Radford Semele*, *Whitnash*, *Lillington*, *Leamington Priors*, and *Saint Mary Leamington Priors*, all situate in the County of *Warwick*; and the Line called on the said Plans and Sections "The Alternative Line" shall alone be adopted in the Construction of the said Railway between the Field marked on the said Plans No. 17, in the Parish of *Radford*, and the Field marked No. 117, in the Parish of *Leamington Priors*.

Railway not to approach near the Crown Hotel, without Consent.

XXII. And be it enacted, That in the Construction of the said Railway the said Company shall not, at the Point where the said Line is nearest to the *Crown* Hotel at *Leamington*, approach nearer to the said Hotel than is shown by the Line of Railway as delineated on the Plan deposited with the Clerk of the Peace for the County of *Warwick*, without the Consent in Writing of the Owner for the Time being of the said Hotel.

As to the Junction with the London and Birmingham Railway.

XXIII. And be it enacted, That the Junction of the said intended Railway with the *London and Birmingham* Railway, and all such Openings in the Ledges or Flanches of the *London and Birmingham* Railway as may be necessary or convenient for effecting such Junction, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the *London and Birmingham* Railway Company.

Land for extraordinary Purposes.

XXIV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Forty Acres.

Compulsory Purchase of Lands limited.

XXV. 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 Completion of Works.

XXVI. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act, or the Acts incorporated herewith, granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Tolls:

XXVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

On Goods and Merchandize:

In respect of the Tonnage of all Articles conveyed upon the Railway, as follows:

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and Rolled Iron, and all other similar Descriptions of Iron, Limestone, Lime, Bricks, Sand, Fire Clay, Cinders, Slag, and Stone, *per* Ton *per* Mile One Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, Clay (except Fire Clay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Two-pence:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile not exceeding Sixpence:

And a like Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

On Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Calf, or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Farthing.

Tolls for propelling Power.

XXVIII. And be it enacted, That the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, by the ordinary Trains, in addition to the several other Tolls or Sums by this Act authorized to be taken, except where the said Company may be required to carry such Passengers, Animals, or Goods at a greater Rate of Speed than the ordinary Rate of conveying the same on the Railway by the said Trains respectively, or with a less Load than may be the full Load of any such Engine so to be employed: Provided always, that nothing herein-before contained shall extend to any Case in

which any Special or Extra Train may be required and allowed by the said Company.

Regulations as to Tolls.

XXIX. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand the said Tolls as for Six Miles, in addition to a reasonable Charge for the Expence of stopping, loading, and unloading:

For any Fraction of a Mile the Company may demand Tolls for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, or Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels, and Articles of great Weight.

XXX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

XXXI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

XXXII. Pro-

Maximum Rate of Charge for Passengers, &c.

XXXII. Provided always, and be it enacted, That the maximum Charges to be made by the Company in respect of all the Tolls and Charges herein mentioned shall not exceed for First-class Passengers (except those carried by Special or Express Trains) the Sum of Two-pence Halfpenny *per* Mile, and for Second-class Passengers the Sum of Two-pence *per* Mile, and for Third-class Passengers the Sum of One Penny *per* Mile, and for Beasts of Draught Four-pence *per* Mile, for Oxen and other Cattle Three-pence *per* Mile, and for Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and Rolled Iron, and all other similar Descriptions of Iron, Limestone, Lime, Bricks, Sand, Fire Clay, Cinders, Slag, and Stone, One Penny *per* Ton *per* Mile.

Maximum Rate of Charge in the event of Railway being leased, &c. to London and Birmingham Company.

XXXIII. And be it enacted, That in the event of the Railway hereby authorized being constructed by or amalgamated with or leased to the *London and Birmingham* Company, or of any Agreement or Contract for that Purpose, or for the Purpose of working the same, being entered into under the Provisions of this Act, then and from thenceforth the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers along the *London and Birmingham* Railway and the Railway hereby authorized, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence Halfpenny *per* Mile:

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per* Mile:

Maximum Rates of Charge for Cattle, Goods, &c.

And with respect to the Conveyance of Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expence incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

For every Horse, Mule, or other Beast of Draught or Burden, Three-pence per Mile:

For Horned Cattle, the Sum of Two-pence *per* Head *per* Mile:

For Calves and Pigs, One Penny each *per* Mile:

For Sheep and small Animals, Three Farthings each *per* Mile:

For every Carriage, Four-pence *per* Mile:

For all Coal, Cannel, Culm, Coke, and Cinders conveyed any Distance not exceeding Fifty Miles, the Sum of One Penny and One Eighth *per* Ton *per* Mile; and if conveyed for any Distance exceeding Fifty Miles, Seven Eighths of a Penny *per* Ton *per* Mile for the whole Distance travelled:

For

For all Slack conveyed any Distance not exceeding Fifty Miles, One Penny *per* Ton *per* Mile; and if conveyed any Distance exceeding Fifty Miles, Seven Eighths of a Penny *per* Ton *per* Mile for the whole Distance travelled:

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Stone for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, the Sum of One Penny Halfpenny *per* Ton *per* Mile, if conveyed for a Distance not exceeding Fifteen Miles; and the Sum of One Penny and One Eighth *per* Ton *per* Mile, if conveyed a Distance exceeding Fifteen Miles:

For Iron not damageable, One Penny *per* Ton *per* Mile, if conveyed for a Distance of Fifty Miles or upwards; but if for any less Distance than Fifty Miles, One Penny Farthing *per* Ton *per* Mile:

For damageable Iron, Sheet Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, Three Halfpence *per* Ton per Mile, if conveyed for a Distance of Fifty Miles or upwards; but if for any less Distance than Fifty Miles, Two-pence *per* Ton *per* Mile:

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, Deals, Metals, Hardware in Packages or Cases, Nails, Anvils, Vices, and Chains, the Sum of Two-pence Halfpenny *per* Ton *per* Mile, if conveyed for a less Distance than Fifty Miles; and the Sum of Two-pence *per* Ton *per* Mile, if conveyed Fifty Miles or upwards:

For Cotton and other Wools and manufactured Goods, the Sum of Three-pence *per* Ton *per* Mile, if conveyed a less Distance than Fifty Miles; and the Sum of Two-pence Halfpenny *per* Ton *per* Mile, if conveyed a Distance of Fifty Miles or upwards:

For Fish, Feathers, Canes, Cochineal, Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, if conveyed for a less Distance than Fifty Miles, Three-pence Halfpenny *per* Ton *per* Mile; and if conveyed for the Distance of Fifty Miles or upwards, the Sum of Three-pence *per* Ton *per* Mile:

And the following Regulations shall apply to such maximum Rates and Charges:

The Company shall be at liberty to fix a minimum Charge of Ten Shillings to be taken for each Carriage, and of Five Shillings for every Horse, conveyed upon the Railway, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed according to the Rates aforesaid may not amount to those Sums:

The Company shall not be compellable to provide Waggons or Carriages for the Conveyance of Coal, Cannel, Slack, Culm, Coke, or Cinders; but where such Waggons or Carriages are not provided by the Company a Deduction of One Eighth of a Penny *per* Ton *per* Mile shall be made from the above Rates of Carriage for as many Miles as the Company shall charge the said Rates; but where any of the before-mentioned Articles, Matters, Persons, or Things shall be conveyed on the said Railway for a less Distance than Six Miles, the said Company are hereby

empowered to demand and receive the aforesaid Charges, Rates, or Tolls (as the Case may be) for Six Miles; and that where any such Articles, Matters, or Things shall be carried a Distance exceeding Fifty Miles, the Company are hereby empowered to demand and receive Rates, Tolls, or Charges as for Fifty Miles at the least; where a Waggon for the Carriage of Cattle or Sheep shall be conveyed by One Party, the Charge for any such Waggon capable of containing Six Oxen or Twenty-five Sheep shall not exceed Sixpence *per* Mile:

And with respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels, and Articles of great Weight.

XXXIV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; that is to say,

For the Carriage of small Parcels, that is to say, any Parcels not exceeding Five hundred Pounds Weight, the Company may demand any Sum which they think fit: Provided always, that such Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Eight-pence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any such Sum as they think fit.

Company may take increased Charges by Agreement.

XXXV. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any other special Service performed by the said Company in relation thereto, and also any Sum, by way of Pontage, Toll, or otherwise, which may be authorized by any Act of Parliament already passed, or to be passed in the present Session of Parliament, in consideration of the Construction of any Bridge or other important Work which, under or by virtue of any such other Act and this Act, or either of them, will or may hereafter devolve upon or belong to the Company hereby incorporated.

XXXVI. And

Passengers Luggage.

XXXVI. And be it enacted, That every Passenger travelling upon the Rail in a First-class Carriage may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight, and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage, not exceeding Sixty Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage, not exceeding Forty Pounds in Weight, without any Charge being made for the Carriage.

Railway to be constructed by the London and Birmingham Railway Company.

XXXVII. And whereas it has been agreed between the Subscribers to the Undertaking hereby authorized and the *London and Birmingham* Railway Company, with a view to the economical and convenient working of the Railway, that a Lease thereof in perpetuity shall be granted to the *London and Birmingham* Railway Company, and accepted by them, with a Guarantee on their Part to pay to the Shareholders in the said Undertaking annually, by half-yearly Payments, such Sum of Money by way of Rent as will be equal to Interest at Four *per Centum per Annum* on the Outlay required for the Construction of the Railway, together with Half the surplus Profits of the Undertaking, with an Option in each Shareholder in the said Undertaking to exchange any Share, within Eighteen Months from the opening of the Line, for so much Capital Stock in the said *London and Birmingham* Railway created for that Purpose as shall, upon the showing of the Two last Dividends before the Exercise of such Option, produce Sixteen Shillings *per* Share *per Annum;* and it has been also agreed between the said Parties that the intended Railway shall be constructed by the *London and Birmingham* Railway Company, and shall be completed in an efficient Manner with all reasonable Despatch after the passing of this Act; be it therefore enacted, That the *London and Birmingham* Railway Company shall execute the Works of the Railway hereby authorized to be made, and for that Purpose shall have, use, and exercise all such Powers and Privileges as are granted to the Company hereby incorporated, and shall be subject to the Regulations and Restrictions hereby imposed on the same Company, as fully and effectually in all respects as if such Powers, Privileges, Regulations, and Restrictions had been directly granted to or imposed on the *London and Birmingham* Railway Company, and as if their Name had been inserted in this Act instead of the Name of the Company hereby incorporated.

Railway to be leased to the London and Birmingham Railway Company.

XXXVIII. And be it enacted, That on the Completion of the Works of the Railway the Company hereby incorporated shall and they are hereby empowered and required to grant to the *London and Birmingham* Railway Company, and the *London and Birmingham* Railway Company shall and they are hereby empowered and required to accept, a Lease in perpetuity of the Railway hereby authorized to be made, at a Rent which shall be equal to Interest at Four *per Centum per Annum* on the Outlay required for the Construction of the Railway (such Outlay to include the Cost of obtaining this Act), and One Half of any surplus net Profits which may be derived from the

the Undertaking, in estimating which net Profits all the working Expences of the Line, and all the Losses, Damages, and Expences attending the same, and the Maintenance of the Line, together with such Sum for Interest and Depreciation of Stock as is herein-after provided, shall be deducted: Provided nevertheless, that any previous Surplus which shall have been paid shall be taken into account and allowed for in any subsequent half-yearly Statement wherein the Profits of the Undertaking shall not be equal to Four *per Centum per Annum;* and any subsequent Surplus shall, in the first instance, be applied in Repayment of such Sums as may have been advanced in any previous Half Year to make good any Deficiency in the said Rent of Four *per Centum per Annum*, with Interest on such Advance at the Rate of Four *per Centum per Annum*.

Shareholders may within a certain Time take Stock in London and Birmingham Company.

XXXIX. And be it enacted, That it shall be lawful for any Shareholder in the said Undertaking, at any Time within Eighteen Months from the opening of the Line, to exchange any Share for so much Capital Stock in the *London and Birmingham* Railway Company (to be created for that Purpose) as shall, upon the showing of the Two last Dividends before the Exercise of such Option, produce Sixteen Shillings *per* Share *per Annum;* and the said *London and Birmingham* Railway Company are hereby authorized and required to create such Stock for such Purposes as Occasion shall require.

Payment of Rent, when to commence.

XL. And be it enacted, That the said Rent on the Sum expended shall become payable and be paid by the said *London and Birmingham* Railway Company at the Expiration of Eighteen Months from the passing of this Act, or as much sooner as the Line shall be opened.

Powers of this Act to be used by London and Birmingham Railway Company.

XLI. And be it enacted, That on the Completion of the Works, and the opening of the Railway, the *London and Birmingham* Railway Company, and their Directors, Officers, Agents, and Servants, shall have, use, and exercise all such Powers and Privileges in relation to the Railway as are hereby granted to the Company hereby incorporated, and their Directors, Officers, Agents, and Servants, and as if the Name of the *London and Birmingham* Railway Company had been inserted herein in lieu of the Name of the Company hereby incorporated.

London and Birmingham Railway Company to provide locomotive Stock.

XLII. And be it enacted, That the *London and Birmingham* Railway Company shall provide all Engines, Carriages, and other locomotive Establishment necessary to work the Railway hereby authorized, and for that Purpose may raise such further Sum of Money as may be necessary, not exceeding Thirty thousand Pounds, either wholly or partially, by creating new Shares or Stock, in such Manner and on such Conditions as they shall think fit; and in estimating the net Profits of the Undertaking hereby authorized as herein-before provided the same Company shall be allowed Interest at Five *per Centum per Annum* on the Amount expended for the last-mentioned Purpose, with an additional Two and a Half *per Centum*

Centum per Annum for Depreciation of Stock, and if such Allowance should be insufficient, then such further Sum as shall appear to be necessary for that Purpose.

London and Birmingham Company to be responsible for Execution of this Act.

XLIII. And be it enacted, That the *London and Birmingham* Railway Company shall be answerable, in exoneration of the Company hereby incorporated, for all Loss or Damage which may in any way arise from the Execution or Omission by them of any of the Powers or Obligations by this Act conferred or imposed.

Power of Sale to the London and Birmingham Railway Company.

XLIV. And be it enacted, That it shall be lawful for the Company hereby incorporated, at any Time hereafter, with the Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some Ordinary or Extraordinary Meeting of the said Company, (Notice to that Effect having been given in the Advertisement calling such Meeting,) to sell to the *London and Birmingham* Railway Company the Railway by this Act authorized to be made, on such Terms and Conditions as may be agreed upon for that Purpose; and it shall be lawful for the *London and Birmingham* Railway Company, at any Time hereafter, with the like Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some General or Special Meeting of the Company, (Notice to that Effect having been given in the Advertisement calling such Meeting,) to purchase the Railway hereby authorized to be made, upon such Terms and Conditions as may be agreed upon for that Purpose, or take and hold Shares therein; and the *London and Birmingham* Railway Company are hereby authorized to raise, in such Manner as they may deem fit, any further Sum of Money which may be necessary for the Purposes aforesaid, and the Completion of such Purchase; and the Execution of a Deed or Instrument of Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, shall be conclusive Evidence that such Sale and Purchase are completed; and upon the Execution of such Deed or Instrument of Conveyance the Railway hereby authorized to be made shall vest in and belong to the *London and Birmingham* Railway Company, who shall thenceforth have, use, and exercise all the Powers, Privileges, and Authorities, and be liable and subject to all the Regulations and Restrictions, by this Act conferred and imposed on the Company hereby incorporated, as fully and effectually, to all Intents and Purposes, as if the Name of the *London and Birmingham* Railway Company had been inserted herein instead of the Name of the Company hereby incorporated.

Separate Accounts to be kept.

XLV. And be it enacted, That the *London and Birmingham* Railway Company shall keep separate Accounts of all Payments and Receipts on account of the Undertaking hereby authorized, and such Accounts shall be open at all reasonable Times to the Inspection of the Directors of the Company hereby incorporated, and of the Auditors hereby directed to be appointed.

Joint Auditors to be appointed to audit the Accounts.

XLVI. And be it enacted, That Four Auditors shall be appointed at every half-yearly Meeting, Two of whom shall be nominated by the *London and Birmingham* Railway Company (under their Com-

mon Seal or under the Hands of Three Directors), and Two by the Company hereby incorporated, who shall audit the Accounts of the said Undertaking, and of the working thereof by the *London and Birmingham* Railway Company, and shall report thereon, in the same Manner as the Auditors of the Accounts of the Company hereby incorporated.

Mode of defraying the Expence of Works executed by the London and Birmingham Company.

XLVII. And be it enacted, That for the Purpose of enabling the *London and Birmingham* Railway Company to execute and complete the Works of the said Railway, the Company hereby incorporated shall, from Time to Time when required, pay over to the *London and Birmingham* Railway Company all such Sums of Money as they shall have expended or become liable to in the Execution of the Works of the said Railway (of the Amount whereof the Certificate of the principal Engineer of the *London and Birmingham* Railway Company shall be conclusive Evidence); and in case Default shall be made by the Company hereby incorporated in any such Payment for the Space of Fourteen Days after the same shall have been demanded by some Writing under the Hands of any Three Directors of the *London and Birmingham* Railway Company, the *London and Birmingham* Railway Company are hereby empowered, in their own Name, or in the Name of the Company hereby incorporated, forthwith to make all such Calls for Money upon the Subscribers to the Undertaking hereby authorized as the Directors thereof could have made, and to take such Means to enforce Payment thereof, and of all Arrears of Calls, and to demand and receive all Sums of Money in the Hands of any Bankers or others belonging to the Company hereby incorporated, as the Directors of such Company could have taken or received, and so from Time to Time until such Demands, with all Expences arising from the Nonpayment thereof, shall have been fully discharged: Provided nevertheless, that the *London and Birmingham* Railway Company may (if they think fit), for the Purpose of the Execution of the said Works, raise by Mortgage all or any Part of the Amount which the Company hereby incorporated are empowered to raise by Mortgage in lieu and substitution of such Amount.

Restrictions as to Charges not to apply to Special Trains.

XLVIII. Provided always, and be it enactcd, That the Restrictions as to the Charges to be made for Passengers shall not extend to any Special or Extra Train that may be required to run upon the Railway, but shall apply only to the ordinary Trains appointed or to be appointed by the Company for the Conveyance of Passengers and Goods by the Railway.

Company may take increased Charges by Agreement.

XLIX. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or in respect of any other special Services performed by the Company in relation thereto.

Company not to deviate from the

L. Provided always, and be it enacted, That in constructing the said Railway near to the Church of *Saint Mary* in *Leamington Priors*

Priors in the County of *Warwick* it shall not be lawful for the said Railway Company to deviate from the Line or Course of the Railway as shown on the Plans deposited with the said Clerks of the Peace as aforesaid by which the Line of the said Railway or any of the Works connected therewith shall be made nearer to the said Church of *Saint Mary* than the same is at present shown on the said Plans, without the Consent in Writing of a Majority of the Trustees for the Time being of the said Church.

Line opposite Saint Mary's Church, Leamington.

LI. Provided always, and be it further enacted, That in case the said Railway, or any of the Works connected therewith, or the running of the Trains thereon, shall, in the Judgment of the Trustees for the Time being of the said Church, interfere with or disturb the proper Performance of Divine Service therein, or the Removal of the Church shall, for any other Reason arising out of the Formation of the said Railway, be considered desirable by the Trustees, it shall and may be lawful to and for the said Trustees, with the Consent of the Bishop of the Diocese, to pull down the same, and sell and dispose of the Site thereof, and the Ground attached thereto, upon Condition of their building and completing to the Satisfaction of the said Bishop another Church equally commodious, upon such a suitable Site within the District attached to the present Church as can be obtained for the same, and as shall be approved by the said Bishop.

Trustees of Saint Mary's Church, Leamington, may pull it down with Consent of the Bishop, and erect another Church to be approved by the Bishop.

LII. And whereas the said Railway hereby authorized to be made is intended to be carried over the *Warwick and Napton* Canal in the Parishes of *Leamington Priors* and *Radford Semele* in the County of *Warwick* by means of Bridges or Archways, and it is necessary and expedient to make the following Provisions in consequence thereof; be it therefore enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, take away, or affect any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in the *Warwick and Napton* Canal Company, or authorize or empower the said Railway Company, or any Person or Persons in execution of or under colour of this Act, to alter the Line or Level of the said Canal or the Towing Path thereof, or any Part or Parts thereof respectively, or by means of such Bridges or Archways when erected, or the Repairs thereof, or in the Erection of any future Bridges or Archways in lieu thereof, or of any or either of them, or by any other Means, to obstruct the Navigation of the said Canal or any Part or Parts thereof, or injure any of the Works thereof, or render the Traffic or Navigation thereof insecure, or to divert any of the Waters therein, or any Brooks, Streams, Feeders, or Watercourses which now are or heretofore have been taken for the Use of or which now supply the said Canal with Water, or to injure the Works thereof; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway, as delineated on the Maps or Plans thereof deposited with the Clerk of the Peace of the County of *Warwick*, beyond the Limits of Deviation marked on the said Maps or Plans, by which Deviation the said *Warwick and Napton* Canal, or any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works of or belonging to the said Company of Proprietors of the *Warwick and Napton* Canal Navigation, or any Part thereof, shall be taken, used,

Company not to interfere with the Rights of the Warwick and Napton Canal Company.

used, damaged, or interfered with, without the Consent of the said Company of Proprietors under their Common Seal first had and obtained.

Company to erect Bridges or Archways over the Warwick and Napton Canal

LIII. And be it enacted, That in carrying the said Railway over the said *Warwick and Napton* Canal the said Company of Proprietors of the *Rugby and Leamington* Railway shall and they are hereby required, at their own Expence, to make and erect such and so many good and substantial Bridges or Archways, of Brick, Stone, Wood, or Iron as shall be necessary to carry the said Railway over the said Canal and the Towing Path thereof, with proper Walls effectually to support the Embankments of the said Railway, and that the Span of such Bridges or Archways between the Abutments thereof shall not be less than Thirty Feet in the clear, and so as to include the Canal and the Towing Path thereof, and the off-side Benching, and that no Part of the Soffit of the Arch of such Bridge shall come within less than Ten Feet of the Top-water Level of the said Canal, and that no Part of such Arch over the Towing Path shall be less than Eight Feet over the Level of the said Towing Path; and the said Company of Proprietors of the said *Rugby and Leamington* Railway shall, at all Times and for ever after the said Bridges or Archways shall be erected, maintain and keep the same, and all future Bridges and Archways to be erected in lieu thereof, (and which shall be in the like Direction, and of the like Form, Height, and Materials, as are herein-before mentioned,) in good and complete Repair.

Company not to obstruct the Warwick and Napton Canal during Works.

LIV. And be it enacted, That during the Erection of the said Bridges or Archways over the said *Warwick and Napton* Canal, or either of them, and at all future Times during the Repairs thereof, no Obstruction shall be occasioned to the Boats or Barges passing along the said Canal, or to the Towing Horses or Men drawing the same, but that at all Times during such Erection and Repairs a Waterway of not less than Sixteen Feet, and a Towing Path of not less than Five Feet in Width, and a clear Height of not less than Nine Feet from the Top-water Level of the Canal, shall be left for the Navigation thereof, and that such Bridges shall be constructed, as regards their Position, Form, and Dimensions, to the Satisfaction of the Engineer for the Time being or the Company of Proprietors of the *Warwick and Napton* Canal Navigation.

If the Warwick and Napton Canal is obstructed the Railway Company to pay the Damage.

LV. And be it enacted, That if by reason of the Execution of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any of such Works, or of the Bridges or Archways over the said *Warwick and Napton* Canal, or of any of the Slopes, Banks, or Walls of the said Railway near the said Canal, or if by any Act or Omission of the said Railway Company, or of any of their Agents, Servants, or Workmen, it shall happen that the said *Warwick and Napton* Canal, or the Towing Path thereof, or the Works connected therewith, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same cannot freely pass or shall be impeded in their Passage along the same, or in case the Space under such Bridges or Archways shall at any Time be contracted so as to be less in Width or Height than is herein-before prescribed,

prescribed, then and in any of the said Cases the said Railway Company shall pay to the said Company of Proprietors of the *Warwick and Napton* Canal Navigation, as or by way of ascertained Damages, the Sum of Five Pounds for every Half Hour during which any such Obstruction or Contraction shall be continued: Provided always, that if such Obstruction or Contraction shall be continued beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act or Omission on the Part of the Persons employed by or for the said Railway Company, then and in every such Case the said Railway Company shall pay to the said Company of Proprietors of the *Warwick and Napton* Canal Navigation the further Sum of Ten Pounds for every Half Hour during which such Obstruction or Contraction shall be continued, as or by way of ascertained Damages; and in default of Payment of any Sum or Sums of Money which shall so become due as or by way of ascertained Damages, on Demand made of the Clerk, Treasurer, or Secretary of the said Railway Company, the said Company of Proprietors of the *Warwick and Napton* Canal Navigation may and they are hereby authorized to sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster:* Provided also, that nothing herein contained shall extend to prevent the said *Warwick and Napton* Canal Company from recovering against the said Railway Company any special, further, or other Damages that may be sustained by them on account of the Acts or Defaults of the said Railway Company.

Nothing to prevent Canal Company from recovering special Damages.

LVI. And be it enacted, That in case it shall happen at any Time during the making of the said Railway, or the Construction of such Bridges or Archways over the said *Warwick and Napton* Canal, or any or either of them, or in the Use thereof respectively, at any Time or Times after the same shall have been so respectively made and constructed, that any Injury shall be done or occasioned thereby to the said *Warwick and Napton* Canal, or to any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, Feeders, Weirs, or any other of the Works of or belonging thereto, or in case such Bridges or Archways, or either of them, shall not be kept in good and substantial Repair, then and in every such Case it shall be lawful for the said Company of Proprietors of the *Warwick and Napton* Canal Navigation to do the needful Repairs, and that all Costs, Charges, and Expences to be incurred or occasioned in or about such Repairs, together with all Damages whatsoever which shall be sustained by the same Company by reason of any Injury as aforesaid, or by reason of any Loss of Water out of or from the said Canal, in consequence of the making of the said Railway, or the constructing of the said Bridges or Archways, or any or either of them, shall be paid and defrayed by the said Railway Company to the Company of Proprietors of the *Warwick and Napton* Canal Navigation; and in default thereof, on Demand made of the Clerk, Treasurer, or Secretary of the said Railway Company, any Two or more of Her Majesty's Justices of the Peace for the County of *Warwick* shall and they are hereby authorized and required, on Application by the said Canal Company or their Clerk, or other Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences,

In case of Injury to the Canal, Railway Company to pay the Expence of the Repairs.

which shall be settled and allowed by such Justices, to be levied by Distress and Sale on the Goods and Chattels of the said *Rugby and Leamington* Railway Company, and to be paid to the said Canal Company, their Agent or Clerk, rendering the Overplus (if any), on Demand, after deducting the reasonable Costs and Charges of making such Distress and Sale, to the said Railway Company; or otherwise the said Company of Proprietors of the *Warwick and Napton* Canal Navigation may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on Case, in any of Her Majesty's Courts of Record at *Westminster*.

Not to take Land or Buildings, or interfere with the Works of the Warwick and Napton Canal.

LVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said Railway Company, or any Person or Persons or Company, in execution or under colour of this Act, to enter upon, take, and prejudice or interfere with (either permanently or temporarily) any of the Buildings, Land, or Ground belonging to the said *Warwick and Napton* Canal Company, without the Consent of the said Canal Company under their Common Seal first had and obtained, (except so far as may be required for the Purpose of forming the said Bridges or Archways,) nor shall the said *Warwick and Napton* Canal Company be responsible or accountable to the said Railway Company, or to any Person or Persons, for any Damage or Prejudice that may be done to the said Railway and Works, or the Traders thereon, or the Traffic thereof, in consequence of any Slips or giving way of any Embankment of the said Canal, or any Accident that may occur on the said Canal and Works which in its Consequences may produce any such Damage or Prejudice as aforesaid, any Statute or Law to the contrary thereof in anywise notwithstanding.

Company not to contract Width of Streets, or interfere with Drains, &c. in the Town of Leamington Priors, without Consent.

LVIII. And whereas by virtue of Two Acts for paving and improving the Town of *Leamington Priors*, passed respectively in the Sixth Year of the Reign of King *George* the Fourth and the Sixth Year of the Reign of Her present Majesty, all Carriage Roads, Footways, Passages, Drains, Sewers, and Culverts within the Town of *Leamington Priors*, and the Management thereof, are invested in the Commissioners acting in execution of the said Acts, with Powers to improve the same, and the Approaches to the said Town, and the Brook or Stream of Water forming the Boundaries of the Parish of *Leamington Priors* and the adjoining Parish of *Milverton*; be it therefore enacted, That it shall not be lawful for the Company, in making the said Railway or any other Works, to erect, construct, or make any Pier, Abutment, or other Work whereby the present Width of any Street, Road, Footpath, or other Way within the said Town, or of any of the Approaches thereto, may be in any Manner diminished or contracted, or to make any Encroachments upon any Carriageway or Footway or public Passage within the said Town, or to take or use or interfere with any Drain, Sewer, Culvert, or Watercourse under the Care or Management of the said Commissioners, without the Consent of the said Commissioners, obtained, given, and signed according to the Provisions of this Act, first had and obtained.

Screens to be erected on Sides of

LIX. And in order to prevent Danger, Accident, and Alarm to any Persons, or to Horses or other Animals used in drawing Carriages

or

or for riding, or to Cattle passing or repassing or being over or upon any such Bridges or Viaducts, or along the Approaches thereto, be it enacted, That in all Cases where the said Railway shall be carried as aforesaid over any Street or Road in the said Town the Company shall and they are hereby required to make and for ever maintain, at their own Expence, a sufficient Screen on both Sides of the Railway, of the Height of Fifteen Feet at the least, if required by the said Commissioners; and in all Cases where any Street or Road in the said Town shall be carried over the Railway as aforesaid the Company shall and they are hereby required to construct the Parapets or Fences of the Bridge and the Approaches thereto of the Height of Fifteen Feet at the least, or otherwise to erect and make and for ever maintain in repair, at their own Expence, a sufficient Screen on both Sides of such Bridge and Approaches of not less Height than Fifteen Feet, if required; and such Screens respectively shall be placed in such Situations as the said Commissioners shall consider necessary and require for preventing any Danger, Accident, or Alarm to any Persons, or to Horses or Animals, or Danger to the Public, on any such Requirement being notified to the Company by the Commissioners in Writing signed by any Five or more of the Commissioners at any of their Meetings.

certain Parts of Railway.

LX. And be it enacted, That in all Cases where the said Railway or any of the Works thereof shall be intended to be carried or made over any Street, Road, Footpath, or other public Way within the said Town, or under the Control or Management of the said Commissioners, the Company shall and they are hereby required to carry the Railway over every such Street, Road, Footpath, or other public Way by means of a Bridge, of such Dimensions and Construction in each respective Case that the Space between the Piers thereof shall be of not less Width than the present Width of the Street, Road, Footpath, or other public Way, as the Case shall be, over which any such Bridge shall be carried or made, and so that the Spring of the Arch of every such Bridge shall be at least Eight Feet above the Surface of such Street or Road, and so that the Height of such Arch shall be such as to leave a clear Space of not less than Sixteen Feet for a Space of Twelve Feet between the Surface of the Carriageway of such Street or Road and the Centre or Soffit of such Arch.

As to the Construction of Bridges for carrying the Railway over Streets, &c.

LXI. And be it enacted, That in all Cases where it shall be necessary to carry or make the said Railway across any Street or Road in the said Town which shall be above the Level of the Line of the proposed Railway, the Company shall and they are hereby required to carry the Carriageway and Footway of every such Street or Road over such Railway by means of Bridges or Viaducts, and so to construct, make, and complete such Bridge or Viaduct, and the Approaches thereto, that the public Way over and along the same, as well the Carriageway as the Footway, shall not be of less Width between the Parapets and Fences of such Bridge and Approaches than the Width of such Street or Road at present is at the Place where any such Bridge or Approaches shall be made.

As to the Construction of Bridges for carrying Roads, &c. over the Railway.

LXII. And be it enacted, That in all Cases where, in making maintaining, or repairing the Railway and Works, it shall be necessary

In case Company interfere with

Drains, Sewers, &c. they shall make good the same.

sary to take or use, vary, alter, interfere with, render useless, or impede, any Drain, Sewer, Culvert, or Watercourse in the said Town, whether under the Control, Management, or Care of the said Commissioners or otherwise, the Company shall and they are hereby required, at their own Expence, to make such new Drains, Sewers, Culverts, and Watercourses as shall be reasonably required by the said Commissioners, in lieu of such as shall be so taken and used, varied, altered, interfered with, or rendered useless, or be damaged, in consequence of the making, maintaining, or repairing of such Railway or Works, of the like or not less Dimensions and Capacity as the Drains, Sewers, Culverts, or Watercourses which shall be so taken, used, varied altered, interfered with, rendered useless, damaged, or impeded, and also restore and complete all such Drains, Sewers, Culverts, and Watercourses as shall be in any Manner interfered with, damaged, disturbed, or impeded by the Company in maintaining or repairing, making, or by reason of the making, maintaining, or repairing of such Railway or Works, so as to preserve and afford Means for the future effectual Drainage and Improvement of the said Town; and all such Works shall be done under the Inspection, Superintendence, and Direction of the Surveyor or other Officer of the said Commissioners; and the Company shall make reasonable Allowance and Satisfaction to the Surveyor or other Officer of the said Commissioners for his Time and Trouble in inspecting, superintending, or directing the Execution of such Works.

Approaches to be made to the Leamington Station.

LXIII. And be it enacted, That it shall be lawful for the Company, and they are hereby required, at their own Expence, to make proper Approaches and Avenues in the said Town near to the proposed Railway Station in the said Town, for the Convenience of the Public who may resort thereto, and which may be required for meeting the increased Traffic near to such Station; and such Approaches and Avenues shall be at least of the same Width as the Streets from or into which they shall lead.

Company not to obstruct more than Half of any Street at one Time, or continue any Obstruction longer than Twelve Weeks.

LXIV. And be it enacted, That in constructing, making, maintaining, or repairing the said Railway and Works by this Act authorized across or along any of the Streets or Roads within the Town of *Leamington Priors*, the Company shall not obstruct or prevent the Passage of the Public along more than One Half of the Width of the Carriageway of any Street or Road in the said Town, nor more than One Footway in such Street, at the same Time, nor continue any such Obstruction for a longer Period than Twelve Weeks, without the Consent of the Commissioners acting in execution of the said Acts for paving and improving the Town of *Leamington Priors*, obtained, given, and signed according to the Provisions of this Act; and if the Company shall obstruct or prevent the Passage of the Public along more than Half the Width of any such Street, or more than One such Footway, at the same Time, or shall continue the Obstruction of any Portion of any such Carriageway or Footway for a longer Period than Twelve Weeks, without such Consent as aforesaid, the Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds on every Day during which such Obstruction shall exist, or (as the Case may be) shall be continued beyond the said Period of Twelve Weeks; and such Penalty shall be paid to the said Commissioners, and may be

be applied by them to the general Purposes of their said Acts, or any of them.

For obtaining Consent of Commissioners of the Town of Leamington.

LXV. And be it enacted, That when and as often as it shall be necessary for the Company to obtain the Consent of the said Commissioners for the making, erecting, or constructing any Works whatsoever, the Company shall give to or cause to be left at the Office of the Clerk of the said Commissioners Fourteen Days Notice in Writing of the said Intention to apply for such Consent, and referring to a detailed Plan or Specification of the Works for the making, erecting, or constructing of which such Consent is intended to be applied for, and shall also at the same Time give or cause to be left with the Clerk of the Commissioners a Copy of such detailed Plan and Specification, and shall also cause the said Notice to be inserted Twice during such Period of Fourteen Days in Two public Newspapers circulating within the said Town; and the said Commissioners shall and they are hereby required, at their next Meeting after the Expiration of the said Fourteen Days held in pursuance of the said Acts, to take the said Application into their Consideration, and then, or at some Adjournment of the said Meeting, to give or to refuse their Consent; and in case they shall give their Consent, the same shall be given in Writing at the said Meeting or Adjournment thereof, under the Hands of the major Part of the Commissioners present thereat, such major Part being not less than Five in Number, and countersigned by their Clerk.

Works affecting the Pavements, Sewers, &c. to be done to the Satisfaction of the Commissioners of Sewers.

LXVI. And be it enacted, That all Works to be done by the Company which shall in any Manner interfere with or affect the Surface or Pavements of any of the Streets, Roads, Footpaths, or other public Ways within the said Town of *Leamington Priors*, or any of the Sewers, Sinks, Drains, or Water Pipes belonging to or under the Control of the Commissioners for executing the said Acts for the better paving and improving the said Town of *Leamington Priors*, shall be respectively executed by the Company, under the Inspection, Direction, and Superintendence, and to the reasonable Satisfaction of the Surveyor or other Officer for the Time being of the said Commissioners; and the Company shall make reasonable Allowance and Satisfaction to the said Surveyor or other Officer of the Commissioners, for his Time and Trouble in inspecting, directing, and superintending the same.

Pavement broken up by Company to be repaired in all Cases by the Commissioners at the Expence of the Company.

LXVII. And be it enacted, That when and as often as the Carriageway or Footway of any Street within the said Town of *Leamington Priors* shall be broken up, taken up, removed, opened, or disturbed by the Company, the Ground so opened shall be refilled and rammed down solidly as high as the previous Level thereof, and all surplus Ground or Soil (if any) removed and carted away by the Company at their own Expence; and such Works shall be done under the Direction, Inspection, and Superintendence, and to the reasonable Satisfaction of the Surveyor for the Time, or other Officer of the Commissioners for executing the said Acts for paving and improving the Town of *Leamington Priors*; and when and as often as the same shall be refilled and rammed down as aforesaid it shall be lawful for the said Commissioners, or such Person as shall be employed by them for that Purpose, to substantially re-pave, in a good workmanlike Manner,

Manner, with all necessary Stones and other Materials, all such Parts of such Carriageways and Footways as shall have been so broken up or taken up, removed, opened, or disturbed by the Company; and the Costs, Charges, and Expences of the re-filling and ramming down of the same Carriageways and Footways of such Street, or of making good such Parts thereof as shall have been broken up or taken up, removed, opened, or disturbed as aforesaid, and also the Cost, Charges, and Expences of relaying the Pavement of or otherwise repairing such Carriageways and Footways, or so much and such Parts thereof as, within Twelve Months after the same shall have been so repaired by the said Commissioners, shall in any degree sink or give way so as to render it necessary for the said Commissioners to relay or repair the same, shall be borne by the Company, and by them paid to the said Commissioners; and the said Commissioners shall, immediately after the Completion of such Re-pavement, and in like Manner after any such future Repair, deliver to the Clerk or other principal Servant to the Company a Statement in Writing of the Amount of the Costs, Charges, and Expences incurred by them the said Commissioners in executing any such Works; and such Costs, Charges, and Expences shall in every Case be paid by the Company to the said Commissioners within Fourteen Days next after the delivering of such Statement, and in case of Neglect of the Company to pay the same to the said Commissioners within that Time, then double the Amount thereof shall be then recovered from the Company by the said Commissioners.

Recovery of Costs, &c. by Commissioners from Company.

LXVIII. And be it enacted, That in case any Costs, Charges, and Expences, Sums of Money and Penalties, by this Act directed to be paid by the Company to the Commissioners for executing the said Two Acts for paving and improving the Town of *Leamington Priors*, shall not be paid by the Company to the said Commissioners, on Demand being made upon the Secretary, Clerk, Treasurer, or other Officer of the Company, or within the Time by this Act prescribed, then and in every such Case any Justice of the Peace for the County of *Warwick* shall and he is hereby required, on Application made by or on behalf of the said Commissioners, by Warrant under his Hand and Seal, to cause the Amounts of such Costs and Expences to be levied by Distress and Sale of the Goods and Chattels of the Company, wheresoever the same can or may be found, and to be paid to the said Commissioners, rendering the Overplus, if any, upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the Company, or otherwise the said Commissioners may sue for and recover the same, together with full Costs of Suit, against the Company, by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Law at *Westminster*.

Sufficient Hoards to be erected for the Protection of the Public during execution of certain Works.

LXIX. And be it enacted, That previously to the Commencement of and during the Progress of the Works hereby authorized or required to be done by the Company in, upon, under, or adjoining any of the Streets, Roads, or Ways within the said Town of *Leamington Priors*, the Company shall from Time to Time cause such proper and sufficient Boards, Fences, Stages, and Lights to be erected, set up, and continued in such Situations and for such Time as the Commissioners for executing the said Acts for paving and improving the Town of

Leamington

Leamington Priors shall deem necessary for the Protection or Convenience of the Public, and as they shall by Notice in Writing, to be signed by their Surveyor, to be served upon the Company, order and direct; and if the Company shall refuse or neglect to erect or set up such Boards, Fences, Stages, and Lights, or any of them, or shall not continue the same standing and in good and effective Condition, or shall not remove the same when required by the said Commissioners by Notice in Writing, to be signed and served as aforesaid, then and in every such Case the Company shall be and they are hereby made subject and liable to the Payment of and shall pay to the said Commissioners the Penalty of Ten Pounds for each and every Day during which they shall so refuse or neglect to erect or set up, or to continue standing and in good and effective Condition, or to remove the same Boards, Fences, Stages, and Lights, or any of them; which Penalty may be applied by the said Commissioners to the general Purposes of their said Acts, or any of them.

Works to be carried on with all reasonable Despatch; and Earth, &c. placed in Streets to be immediately removed.

LXX. And be it enacted, That the several Works by this Act authorized or required to be made, done, executed, maintained, and repaired by the Company, in or upon or under any of the Streets or Roads within the Town of *Leamington Priors*, shall, when commenced, be proceeded with by the Company with all reasonable Despatch; and all Clay, Earth, Stone, Gravel, Sand, and other Soil or Materials which in the Progress of the said Works may be brought upon any of the said Streets or Roads, or not deposited within any Hoard or Fence, shall be immediately removed therefrom by the Company, so as at all Times to preserve a free Passage along the same Streets and Roads respectively; and if, in the Opinion of any competent Engineer nominated by the Justices of the said County of *Warwick* in Petty Sessions assembled, any of the said Works shall not be proceeded with by the Company with all reasonable Despatch, or any Clay, Earth, Stone, Gravel, Sand, or other Soil or Material shall have been deposited in any Street or Road as aforesaid for a longer Period than was necessary, or if any other Obstruction shall have been occasioned by the Company in the said Streets or Roads, then and in every such Case the Company shall forfeit and pay the Sum of Ten Pounds for every Day during which such Obstruction shall continue, and such Penalty shall be paid to the Commissioners executing the said Acts for paving and improving the Town of *Leamington Priors*, and may be applied by them to the general Purposes of said Acts.

Differences between Company and Commissioners to be settled by Arbitration.

LXXI. And be it enacted, That in case of any Difference of Opinion between the Company and the said Commissioners or their Surveyor respecting the Sufficiency of any of the Restorations or Repair of the Carriageways or Footways of the Streets, or the constructing, making, maintaining, executing, or repairing of any such Works in any Street in the said Town of *Leamington Priors*, herein-before directed to be done by the Company, or authorized to be done by the said Commissioners at the Expence of the Company, such Difference of Opinion may be settled by Arbitration in the Manner prescribed in the Railway Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

LXXII. And

Saving the Rights of the Crown.

LXXII. 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.

Mortgages and Transfers, &c. to be stamped.

LXXIII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

LXXIV. 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 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 any succeeding Sessions of Parliment; and for other Purposes relating to 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 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.

LXXV. Provided always, and be it enacted, That nothing herein contained shall be held to exempt the Railway or the Company from the Provisions of any general Act relating to the Acts incorporated therewith 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.

LXXVI. 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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