



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxv.

An Act to authorize the Use by the *Shrewsbury and Birmingham* Railway Company of the *Navigation Street* Station in *Birmingham*, and for other Purposes. [1st July 1852.]

WHEREAS the *Shrewsbury and Birmingham* Railway Act, 1846, authorized the making of a Railway from *Shrewsbury* to *Wolverhampton*, with a Branch, to be called "The *Shrewsbury and Birmingham* Railway," and incorporated the *Shrewsbury and Birmingham* Railway Company: And whereas "The *Shrewsbury, Wolverhampton, and South Staffordshire Junction* Railway Act, 1846," authorized the making of a Railway from *Shrewsbury* to *Wolverhampton*, to be called "The *Shrewsbury, Wolverhampton, and South Staffordshire Junction* Railway," and incorporated the *Shrewsbury, Wolverhampton, and South Staffordshire Junction* Railway Company: And whereas, soon after the passing of the herein-before recited Acts, the Companies thereby respectively incorporated were united, pursuant to the Provisions contained in such Acts, and now constitute One Company, called "The *Shrewsbury and Birmingham* Railway Company:" And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty,

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9 & 10 Vict.
c. 359.

called "The *Shrewsbury and Birmingham Railway Amendment and Branches Act, 1847*:" And whereas another Act was passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her said Majesty, called "The *Shrewsbury and Birmingham Amendment Act, 1849*:" And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty, called "The *Birmingham, Wolverhampton, and Stour Valley Railway Act, 1847* (No. 1. *Smethwick Deviation*): And whereas Doubts exist as to the Right of the *Shrewsbury and Birmingham Railway Company*, under the Powers of the last-recited Act, to use the Railway authorized to be made by the *London and North-western Railway Company* in pursuance of the Powers contained in an Act passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for making a Railway from the London and Birmingham Railway to or near to Navigation Street within the Borough of Birmingham*, being a Railway in substitution of Part of the Railway authorized to be constructed by the said *Birmingham, Wolverhampton, and Stour Valley Railway Act, 1846*, *Birmingham, Wolverhampton, and Dudley Lines*: And whereas it is expedient that the *Shrewsbury and Birmingham Railway Company* should be authorized and empowered to use for the Accommodation of their Traffic the Station between *Worcester* and *Navigation Street* in *Birmingham* belonging to the said *London and North-western Railway Company*, and also to use, with Engines and Carriages, coming to or from the *Shrewsbury and Birmingham Railway*, so much of the Railway authorized to be made by the said last-mentioned Company as aforesaid as lies between the said Station and the Line of the *Birmingham, Wolverhampton, and Stour Valley Railway* as authorized to be made, on such Terms and Conditions, and on Payment of such Tolls, Rates, and Duties, as shall be agreed upon or determined in manner herein-after provided: And whereas the *Shrewsbury and Birmingham Railway Company* are joint Proprietors of a Station in the Town of *Wolverhampton*, along with the *Birmingham, Wolverhampton, and Stour Valley Railway Company* and the *London and North-western Railway Company*, and it is expedient that Provision should be made for the Settlement by Arbitration of all Questions, Disputes, and Differences which may arise between the Companies, joint Proprietors of the said joint Station, in regard to the Arrangement, Management, or Use thereof: And whereas it is also expedient that for the Purposes aforesaid, and for the other Purposes herein-after expressed, the Powers and Provisions of the said recited Acts, or some of them, should be altered, amended, and enlarged; but these several Purposes 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

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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,

I. That the said recited Acts relating to the *Shrewsbury and Birmingham* Railway Company, and this Act, shall be construed and read together as forming One Act. Provisions of recited Acts extended to this Act.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to describe it as "The *Shrewsbury and Birmingham* Railway Company's Amendment Act, 1852." Short Title.

III. That all the Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," in so far as the same are not expressly varied by the Provisions of this Act or of the said recited Acts respectively, shall be held to apply to the Purposes of this Act, and be read and construed as forming Part of this Act. 8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

IV. That it shall be lawful for the Company to use for the Accommodation of their Traffic the said Station situated between *Worcester Street* and *Navigation Street* in *Birmingham* aforesaid, subject to the Provisions of the Act which authorized the making thereof, and also, with Engines, Carriages, Trucks, and Waggons coming from or going to the *Shrewsbury and Birmingham* Railway, to pass over and use at all proper and reasonable Times so much of the *London and North-western* Railway as lies between the said Station and the Line of the *Birmingham, Wolverhampton, and Stour Valley* Railway, and the Works and Conveniences connected with the said Portion of such Line, upon such Terms and Conditions as shall be agreed upon, and subject, both as regards the said Station and Railway, to the Observance of the Byelaws, Rules, and Regulations of the *London and North-western* Railway Company, or, in the event of Difference between the *Shrewsbury and Birmingham* Railway Company and such last-mentioned Company, upon such Terms and Conditions, and subject to such Byelaws, Rules, and Regulations, as may be settled by Arbitration, the Umpire being appointed by the Board of Trade. Power to use Station in Navigation Street, Birmingham.

V. And whereas by "The *Birmingham, Wolverhampton, and Stour Valley* Railway Act, 1847 (No. 1. *Smethwick* Deviation)," it was provided, that the Power thereby conferred on the *Shrewsbury and Birmingham* Railway Company should cease and be void in case the Nothing herein to affect the Proviso of a former Act for the Cesser of certain

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Powers conferred on the Company.

the said Company should be leased to or purchased by or amalgamated with the *Great Western Railway Company*, the *Oxford, Worcester, and Wolverhampton Railway Company*, the *Birmingham and Oxford Railway Company*, and the *Birmingham, Wolverhampton, and Dudley Railway Company*, or with any or either of the said last-named Companies: Be it enacted, That nothing in this Act contained shall in any Manner prejudice or affect the Proviso for Cesser in the said last-mentioned Act contained, and that the same, and the Cesser thereby provided for, shall extend to the Powers herein-before conferred upon the *Shrewsbury and Birmingham Railway Company* as well as to the Powers conferred by the said Act.

Differences as to Wolverhampton joint Station to be settled by Arbitration.

VI. That if any Questions, Disputes, or Differences shall, after the passing of this Act, arise between the *Shrewsbury and Birmingham Railway Company* and the said *Birmingham, Wolverhampton, and Stour Valley* and the *London and North-western Railway Companies*, or either of them, in regard to the Arrangement, Management, or joint Use of the said joint Station at *Wolverhampton*, the same shall from Time to Time, so often as they shall arise, be settled by Arbitration in the Manner provided by "The Railway Clauses Consolidation Act, 1845."

Power to convert Share Capital into Stock.

VII. And whereas the whole Amount of the Share Capital authorized by the *Shrewsbury and Birmingham Railway Company's Amendment Act, 1849*, denominated Class A and Class B Shares, has been called up, and it is desirable to convert the same into Stock, and to describe such Part of the same as is not directed by the aforesaid Act to be designated "*London and North-western Railway Guaranteed Stock*" as "*Shrewsbury and Birmingham Railway Stock*:" Be it enacted, That the aforesaid Share Capital of the *Shrewsbury and Birmingham Railway Company* shall be and the same is hereby converted into Stock, and that so much thereof as is not designated "*London and North-western Railway Guaranteed Stock*" shall be designated "*Shrewsbury and Birmingham Railway Stock*," and that the several Shareholders of the *Shrewsbury and Birmingham Railway Company* shall stand and be possessed of the same according to the Amounts which they shall severally have paid upon the said Shares.

Explaining certain Terms in "*Shrewsbury and Birmingham Railway Company's Amendment Act, 1849*."

VIII. And whereas Doubts have existed as to the Meaning of the Words "net Revenue" and "current Year" in "*The Shrewsbury and Birmingham Railway Company's Amendment Act, 1849*," and it is desirable to define the same more clearly, and also the Conditions upon which the Preference Shares authorized by the said Act and by this Act have been or may be issued: Be it enacted, That the Words "net Revenue" shall mean net Revenue arising from all Income or Receipts,

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Receipts, of whatever Description, paid to or received by the *Shrewsbury and Birmingham Railway Company*; and that the Dividend to which the said Preference Shares are or shall be entitled shall be paid out of the net Revenue only for the Year ending on the Thirty-first Day of *December* in each Year, and not either wholly or in part out of the Balance (if any) of the net Revenue of any preceding Year; and that in the event of such net Revenue for any Year being less than the entire Dividend to which such Preference Shares shall be entitled, the Holders of the same shall only receive *pro ratâ* such Amount of Dividend as such net Revenue shall provide, and shall not receive out of the net Revenue of any subsequent Year any Deficiency (if any) in such Dividend which such net Revenue for the current Year shall not be equal to provide: Provided always, that if in any Half Year the whole or any Part of the Dividend received from the *Birmingham, Wolverhampton, and Stour Valley Railway Company*, or the *London and North-western Company*, in respect of the "*London and North-western Railway Guaranteed Stock*," is required towards the Payment of the said Preference Dividends, the same shall be repaid to the Holders of the said *London and North-western Guaranteed Stock* out of the future net Revenue of the Company, and before any Dividend is declared upon "*The Shrewsbury and Birmingham Railway Stock*."

IX. That it shall be lawful for the Company to demand and take, in addition to the Tolls, Rates, and Charges which they are now or hereafter may be authorized to demand and take, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company, and a further reasonable Sum for warehousing and Wharfage, and for any other extraordinary Service which may be reasonably and properly performed by the Company in relation to such Goods.

As to Charge
for loading,
&c.

X. And whereas by the said *Shrewsbury and Birmingham Railway Act, 1846*, it is provided that all Notices relating to the Company shall be advertised in Papers circulating in the Counties of *Stafford* and *Salop* respectively, and it is expedient that such Provision should be repealed: Be it enacted, That from and after the passing of this Act it shall be sufficient to advertise such Notices in a Paper or Papers circulating in the County where the principal Office of the Company is situate for the Time being, anything in the said recited Act to the contrary notwithstanding.

Notices re-
lating to
Company to
be advertised
in County
where prin-
cipal Office
situate.

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Fourteen
Days Notice
to be given
of Proposal
to elect a
Director.

XI. And whereas One Third, or as near as may be, of the Directors of the Company go out of Office by Rotation annually at the Meeting of the Company holden either in the Month of *August* or of *September* in each Year, and the Company is authorized to elect any other duly qualified Shareholders to fill the Place of any of the Directors so retiring by Rotation: Be it enacted, That no Shareholder shall hereafter be qualified to be so elected unless Notice in Writing of his Intention to be proposed for Election shall, Fourteen Days prior to the Day of Meeting on which his Election is to be proposed, be transmitted to the Secretary of the Company at the Office of the Company for the Time being.

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

XII. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, 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 Company to construct any other Railway or execute any other Work or Undertaking.

Railway to
be subject to
Provisions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85.,
9 & 10 Vict.
c. 57., and
14 & 15 Vict.
c. 64.

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 another Act was passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament in the Fourteenth and Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Lines of Railway hereby authorized or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Lines of Railway so far as the same shall be applicable thereto.

XIV. That

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XIV. That nothing herein contained shall be deemed or construed to exempt the Lines of Railway by this or the said recited Acts authorized to be made, or the said Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or for the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter 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 or by the said recited Acts.

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

XV. That in this Act the following Words and Expressions shall have the Meanings hereby assigned, unless there be anything in the Subject or Context repugnant to such Construction ; (that is to say,)

Interpre-
tation of
Terms.

The Words "Person" and "Parties" shall extend to Corporations, whether aggregate or sole :

The Expression "the Company" shall mean "The *Shrewsbury and Birmingham Railway Company.*"

XVI. That all the Costs, Charges, and Expenses of and attending the obtaining and passing of this Act shall be paid by the Company.

Expenses of
Act.

LONDON :

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