

ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. ccxii.

An Act to extend the Periods limited for completing and for purchasing Lands for the Stratford-upon-Avon and Kingswinford Branches of the Oxford, Worcester, and Wolverhampton Railway, and to extend such respective Branches, to construct a Branch Railway to Stourbridge, and to authorize the raising of certain Sums of Money by Preferential Shares, and for other Purposes.

[20th August 1853.]

HEREAS by the Act intituled "The Oxford, Worcester, 8 & 9 Viet. and Wolverhampton Railway Act, 1845," the Oxford, c.clxxxiv. Worcester, and Wolverhampton Railway Company were incorporated, and were authorized to construct, amongst other Branches, a certain Branch Railway described in such Act as the Fourth Branch, and authorized to be made, diverging from and out of the Oxford, Worcester, and Wolverhampton Railway at Brettel Lane in the Parish [Local.]

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of

of Kingswinford in the County of Stafford, and to pass through and

terminate in the said Parish at or near the Oak Farm Ironworks

situate therein, and which Branch is herein-after called the Kingswin-

ford Branch: And whereas by virtue of the Act intituled "The

Oxford, Worcester, and Wolverhampton Railway (Amendment) Act,

1846," the Company were authorized to construct, amongst certain

other Extensions or Branches, an Extension or Branch Railway,

commencing at or near to the Town of Stratford-upon-Avon in the

9 & 10 Vict. c. cclxxviii.

Parish of Old Stratford in the County of Warwick, and terminating by a Junction with the Line of the Oxford, Worcester, and Wolverhampton Railway in the Hamlet of Norton in the Parish of Weston-sub-Edge in the County of Gloucester, and which Extension or Branch Railway is herein-after called the Stratford-upon-Avon Branch: And whereas the Time limited for the Completion of the said Kingswinford Branch 15 & 16 Vict. and Stratford-upon-Avon Branch was extended by "The Oxford,

c. cxlv.

Worcester, and Wolverhampton Railway (Extension of Time) Act, 1852," and the Time so limited for the Completion of such Branch Railways will expire upon the Thirtieth Day of June One thousand eight hundred and fifty-four, and it is expedient that a further Period should be granted for the Completion of such Branch Railway: And whereas the Time limited by the first and secondly mentioned Acts

for the compulsory Purchase of Lands thereby authorized to be taken has expired, and it is expedient that in respect of Lands authorized by such respective Acts to be taken for the Construction of the said Kingswinford Branch and Stratford-upon-Avon Branch that the compulsory Powers of Purchase should be revived, and the Time within which the same may be exercised should be extended: And

whereas the Extension of the Line of the said Kingswinford Branch into the Parish of *Himley* in the County of *Stafford*, and the Extension of the Stratford-upon-Avon Branch in the Parish of Old Stratford, and the Construction of a Branch Railway for the better Accommoda-

tion of the Town of Stourbridge, will be of public and local Advantage, and it is expedient to authorize the Oxford, Worcester, and Wolverhampton Railway Company to construct the same: And

whereas by the Act intituled "The Oxford, Worcester, and Wolver-15 & 16 Vict. hampton Railway (Extensions of Time) Act, 1852," the Company are authorized to raise, by Creation of new Shares, the further Sum of Five hundred thousand Pounds, and it is expedient to authorize

the Company to attach to such Capital so authorized to be raised, or any Part thereof, a Preference or Priority in Payment of Dividend over the original Share Capital of the Company, subject to the Rights of the Holders of Preference Shares already created by the Company, as herein-after mentioned: And whereas, in addition to the Acts

before recited, other Acts have been passed relating to the Oxford, Worcester, and Wolverhampton Railway Company, namely, "The Oxford,

11 & 12 Vict. ec. lix. and exxxiii.

e. cxlv.

Oxford, Worcester, and Wolverhampton Railway (Amendment) Act, 1848," "The Oxford, Worcester, and Wolverhampton Railway (Devia- 13 & 14 Vict. tions) Act, 1848," and "The Oxford, Worcester, and Wolverhampton c. xx. Railway (Amendment) Act, 1850: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, and, enlarged; but the several Purposes aforesaid 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, as follows; (that is to say,)

I. That, except as by this Act expressly enacted, nothing in this Act Recited Acts contained shall extend to alter or repeal the said recited Acts relating altered, exto the Oxford, Worcester, and Wolverhampton Railway, or any of cept as them.

not to be expressly enacted.

II. That in this Act whenever the Words "The Company" are "Company." used the same shall be held to mean the "Oxford, Worcester, and Wolverhampton Railway Company;" and the Expression "The "the Kings-Kingswinford Branch" shall be held to mean the Branch Railway Winford Branch." described as the Fourth Branch in the said "Oxford, Worcester, and Wolverhampton Railway Act, 1845," diverging from and out of the Oxford, Worcester, and Wolverhampton Railway at Brettel Lane in the Parish of Kingswinford in the County of Stafford, and to pass through and terminate in the same Parish at or near the Oak Farm Ironworks situate therein; and the Expression "Stratford-upon-"Stratford-Avon Branch" shall be held to mean the Branch Railway described in upon-Avon the said "Oxford, Worcester, and Wolverhampton Railway Act, 1846," and authorized to be made, commencing at or near the Town of Stratford-upon-Avon in the Parish of Old Stratford in the County of Warwick, and terminating by a Junction with the Line of the Oxford, Worcester, and Wolverhampton Railway in the Hamlet of Norton in the Parish of Weston-sub-Edge in the County of Gloucester.

- III. That in citing this Act in other Acts of Parliament, and in Short Title. legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The Oxford, Worcester, and Wolverhampton Railway (Branches and Extension) Act, 1853."
- IV. That the Powers for the compulsory Purchase or taking of Extending Lands granted by the "Oxford, Worcester, and Wolverhampton Rail-Time for Purchase of way Act, 1845," for the Purpose of making the Kingswinford Branch Lands. and the Works connected therewith, and by "The Oxford, Worcester,

and

and Wolverhampton Railway (Amendment) Act, 1846," for the Purpose of making the Stratford-upon-Avon Branch and the Works connected therewith, according to the Plans and Sections of the same and Books of Reference thereto deposited with the Clerks of the Peace for the Counties in which the same are or will be situated, shall be revived in respect of the Lands authorized by such respective Acts to be taken for such Branches respectively, and the Time limited for the compulsory Purchase of such Lands shall be extended and enlarged until the Expiration of Two Years from the passing of this Act, and after the Expiration of such Period the Powers by the said recited Acts and by this Act granted for the compulsory Purchase of the Lands authorized to be taken for such Branches respectively shall cease to be exercised.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

V. That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands authorized to be taken for the said Kingswinford Branch and Stratford-upon-Avon Branch respectively, and which may be taken and used for such Branches or Works, or any of them, · authorized to be made by the first and secondly recited Acts, or which may be injuriously affected by the Construction of such Branches or Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take be affected.

VI. That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notices given by the said Company before the passing of this Act for purchasing, taking, or using Lands not to any Lands authorized to be taken for the said Kingswinford Branch and Stratford-upon-Avon Branch, or either of them, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Period for Completion of Works extended.

VII. That the Time limited by "The Oxford, Worcester, and Wolverhampton Railway (Extensions of Time) Act, 1852," for the Completion of the said Kingswinford Branch and Stratford-upon-Avon Branch, shall be extended for the Space of Three Years from the passing of this Act, and on the Expiration of such extended Period the Powers of the said recited Acts and this Act granted to the Com-

pany

pany for making such Branches shall cease to be exercised, except as to so much of such Branches as shall then be completed.

VIII. That the Powers of the first and secondly recited Acts for the compulsory Purchase of Lands, and for the Making and Completion of Works, which are by the Provisions of this Act extended for a further the extended Period of Time, may be exercised by the Company in the same Manner as if such further Periods respectively had been originally granted in this Act the said recited Acts with reference to such compulsory Purchase of had been Land, or Completion of the Works, as the Case may be.

Recited Acts to be construed as if Periods given by originally granted.

IX. That nothing in this Act contained shall affect the Pro- Nothing in visions contained in the Eighth Section of "The Oxford, Worcester, this Act to and Wolverhampton Railway (Extension of Time) Act, 1852," save tion 8 of and except that the Oxford, Worcester, and Wolverhampton Railway Company shall not be liable to the Penalties imposed upon such Com- except, &c. pany by such Section in case the Portions of Railway thereby required to be completed shall be completed and opened for public Traffic as required by such Section on or before the First Day of November next.

affect Sec-15 & 16 Vict. c. cxlv.,

X. That it shall be lawful for the Company to make or maintain Description the following Extensions or Branch Railways and other Works herein- to be exeafter mentioned; (that is to say,)

of Works cuted.

- A Branch or Extension Railway from and out of the said Stratfordupon-Avon Branch, commencing by a Junction therewith in the Parish of Old Stratford in the County of Warwick, and terminating in the said Parish in or near a Field belonging to the Mayor, Aldermen, and Burgesses of the Borough of Stratfordupon-Avon near to or adjoining the Stratford Canal:
- Also a Branch or Extension Railway, commencing by a Junction with the Main Line of the Oxford, Worcester, and Wolverhampton Railway in the Hamlet of Amblecote in that Part of the Parish of Old Swinford which is in the County of Stafford, and terminating at or near the Turnpike Road from Stourbridge to Dudley in the said Hamlet or Parish:
- Also a Branch or Extension Railway from and out of the Kingswinford Branch, commencing by a Junction with the said Branch Railway in the Parish of Kingswinford in the County of Stafford, and terminating at or near the Turnpike Road leading from Dudley to Himley in the Parish of Himley in the said County of Stafford.

XI. And whereas Plans and Sections of the Extension or Branch Power to Railways hereby authorized to be made, and also Books of Reference make Works according [Local.]43 C

to deposited Plans.

to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in, upon, or through which the same Works are intended to pass or be made, have been deposited with the Clerks of the Peace for the Counties of Warwick and Stafford: Be it enacted, That, subject to the Provisions in this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, and to the Powers of Deviation in such last-mentioned Act, it shall be lawful for the Company to make or maintain the said Extension or Branch Railways and other Works upon the Lands delineated on the said Plans and described in the said Sections, and to enter upon, take, and use such of the Lands described upon the said Plans and in the said Books of Reference as may be necessary for such Purposes.

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

XII. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Limiting
Time for
purchasing
Lands.

XIII. That the Powers of the Company for the compulsory Purchase of the Lands described on such last-mentioned Plans shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XIV. That the said Extension or Branch Railways and Works by this Act authorized to be made and constructed shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or by the Acts incorporated herewith granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

If Railway
not completed, &c.
within a
limited
Period, certain Dividends to be
suspended.

XV. That in case the Branch or Extension Railways by this Act authorized to be constructed, or any of them, shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, or in case the Branch Railways in respect of which an Extension of Time is hereby granted, or either of them, shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Branch Railways respectively shall have been completed and opened for public Traffic.

XVI. That nothing in this Act contained shall extend to diminish, Saving alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the Stourbridge Naviga- Canal Comtion, but saving and reserving to the said last-named Company all the pany. Rights and Privileges belonging to them, and all Powers, Authorities, and Provisions in the Acts relating to the Stourbridge Canal, as if this Act had not been passed.

Rights of Stourbridge

XVII. Provided always, That nothing in this Act contained shall Certain empower the Company to enter upon, purchase, or take any of the Property Lands or Property of the Company of Proprietors of the Stourbridge Navigation, or to alter, vary, or interfere with the said Canal or any of the Works thereof, without the Consent in Writing of the lastnamed Company under their Common Seal for that Purpose first had and obtained.

not to be taken without Consent.

XVIII. That it shall be lawful for the Company to demand and Same Tolls receive for and in respect of the Extension or Branch Railways and Works hereby authorized the same Tolls and Charges as they are by "The Oxford, Worcester, and Wolverhampton Railway Act," 1845," authorized to demand and receive for and in respect of the Oxford, Railway. Worcester, and Wolverhampton Railway.

as on Oxford, Worcester, and Wolverhampton

XIX. Provided always, That the maximum Tolls and Charges Maximum to be levied and received by the Company in respect to the said Charge. Extension or Branch Railways and Works shall in no Case exceed the maximum Tolls and Charges authorized by the last-mentioned Act.

XX. That, subject to the Provisions of "The Railways Clauses Certain Consolidation Act, 1845," and this Act, with respect to the crossing Roads may be crossed Roads on the Level, it shall be lawful for the Company to cross the on the Level. following Road on the Level; that is to say,

The Road numbered 81 in the Parish of Old Swinford in the County of Stafford.

XXI. That the Passenger Station for the Town of Stourbridge shall As to the be on the Eastern Side of the Turnpike Road numbered on the said Passenger Plans 81 in the Parish of Old Swinford, and Locomotive Engines shall not pass across the said Road so long as the crossing upon the and regu-Level continues more frequently than Four Times each Way between Six o'Clock in the Morning and Eight o'Clock in the Evening, and except when opened for the Passage of Locomotive Engines, Waggons, and Carriages, the Gates shall be closed on each Side of the said Road across the said Railway; and all Trains on the said Railway shall be

Station at Stourbridge, lating the crossing on the Level of the Turnpike Road there:

made

made to slacken their Speed before arriving at such Road, and shall not cross the same at any greater Rate of Speed than Four Miles an Hour, and the Company shall be subject to all such Rules and Regulations with regard to the crossing of such Road as may from Time to Time be made by the Board of Trade.

Company
to erect
Station or
Lodge where
Road
crossed on
the Level.

XXII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or lodge at the Points where the before-mentioned Road shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every such Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge instead of a level Crossing. XXIII. Provided always, That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety at any Time, either before or after the Works hereby authorized to be made, or any of them, shall be completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Application of existing Capital.

XXIV. That the Company may apply to the Construction of the Extension or Branch Railways and Works authorized to be made by this Act so much of the Monies raised or authorized to be raised under the Powers of the several Acts relating to the Company, or any of them, as may remain unappropriated, and as may be necessary for such Purposes.

Power to Company at General Meeting to allot Preference DiviXXV. That it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Proprietors present, personally or by Proxy, at any General Meeting of the Company specially convened for the Purpose, to resolve and declare that (instead)

certain

(instead of creating and issuing the said Sum of Five hundred thousand dends to Pounds, or some Part thereof, as ordinary Capital participating in the Shares. general Dividends of the Company,) the Holders of any Shares to be created and issued for the Purpose of raising the said Sum of Five hundred thousand Pounds or any Part thereof, under the Powers of "The Oxford, Worcester, and Wolverhampton Railway (Extensions of Time) Act, 1852," shall be entitled, either perpetually or for such limited Time as may be resolved upon and declared, to a Preferential Dividend, to be paid out of the general Revenue of the same Company, in Priority of the general Dividends made by the same Company, at such Rate, and with such other Privileges, and subject to such Powers of Redemption, Diminution, or Conversion, if any, as may be resolved upon and declared; and thereupon the Holders of such Shares shall become entitled to such fixed Dividend, and to any other Privileges so resolved upon and declared as aforesaid, accordingly, and such fixed Dividend shall be payable half-yearly at the same Time as the ordinary Dividends of the Company; and it shall be lawful for the Company, with such Consent as aforesaid, from Time to Time and at all Times, until the whole of the Share Capital authorized to be raised by the said "Oxford, Worcester, and Wolverhampton Railway (Extensions of Time) Act, 1852," shall have been subscribed for, to alter the Rate of such Preferential Dividend, or any of such other Privileges or Powers with regard to such Portion of the same Share Capital as shall not then have been subscribed for, but so as not to violate or infringe any Condition upon which any of such Share Capital shall have been previously subscribed for, unless with the Consent of all the Subscribers for the same, or to create and issue the Portion not so subscribed for as ordinary Shares, or Stock participating in the general Dividends of the Company: Provided always, that no Preferential Dividend to be declared under or by virtue of the Power herein-before contained shall exceed the Rate of Six Pounds per Centum per Annum.

XXVI. Provided always, That any Preference or Priority in the Saving Payment of Interest or Dividend which may be granted in respect of existing any new Shares or Stock in pursuance thereof shall not prejudice or Priorities and Priviaffect any Preference or Priority in the Payment of Interest or Divi-leges. dend on any other Shares or Stock which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

XXVII. That the Company shall and they are hereby required to Company to lay down and open for public Traffic an additional Line of Rails upon that Part of their Line of Railway between Wolvercot and Worcester Line of Rails 43 D[Local.] upon

lay down an additional upon Part of

their Line between Wolvercot and Worcester.

upon which a single Line of Rails only has been laid; and if the Company fail within Eight Months after the passing of this Act, or within such further Time as shall be allowed by the Board of Trade, as hereinafter mentioned, to lay down and open for public Traffic such additional Line of Rails, the Company shall forfeit to Her Majesty the Queen the Sum of Fifty Pounds for each and every Day after the Time so limited or allowed during which Default shall be so made, until such additional Line of Rails shall have been laid down and opened as aforesaid; and the said Penalty shall be recoverable from the Company by the Attorney General by Action, Suit, or other legal Proceeding (as the Case may require) in any Court of competent Jurisdiction: Provided always, that it shall be lawful for the Board of Trade, upon Application by the Company, and upon reasonable and sufficient Cause shown to the said Board, to allow the Company such further Time beyond the said Period of Eight Months for the providing of the additional Lines of Rails upon the said Portion of Railway or any Part thereof as such Board may think proper, not, however, exceeding the Period for the Completion of the Railway limited by the "Oxford, Worcester, and Wolverhampton Railway (Extension of Time) Act, 1852."

Interest not to be paid on Calls paid up.

XXVIII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XXIX. That it shall not be lawful for the Company, out of any Money by any Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or to execute any other Work or Undertaking.

Railway, &c. to Provisions

XXX. And whereas an Act was passed in the Second Year of the to be subject Reign of Her present Majesty, intituled An Act to provide for the Conveyance

Conveyance of the Mails by Railways; and another Act was passed of 1 & 2 Vict. in the Fourth Year of the Reign of Her said Majesty, intituled An c. 98., Act for regulating Railways; and another Act was passed in the c. 97., Sixth Year of the Reign of Her said Majesty, intituled An Act for 5 & 6 Vict., the better Regulation of Railways, and for the Conveyance of Troops; c. 55., 7 & 8 Vict., and another Act was passed in the Eighth Year of the Reign of Her c. 85., said Majesty, intituled An Act to attach certain Conditions to the 9 & 10 Vict., Construction of future Railways authorized or to be authorized by any 14&15 Vict. Act of the present or succeeding Sessions of Parliament, and for other c. 64. Purposes in relation to Railways; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled An Act for regulating the Gauge of Railways; and an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the same Reign, 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 Company or their Railways and Branch Railways from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Branch Railways, so far as the same shall be applicable thereto.

c. 57., and

XXXI. That nothing herein contained shall be deemed or construed Railways to exempt the said Railways by this or the said recited Acts autho-not exempt rized to be made from the Provisions of any General Act relating to sions of such Acts, or of any General Act relating to Railways, or to the future Genebetter and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts.

from Proviral Acts.

XXXII. That all Costs, Charges, and Expenses of applying for, Expenses of obtaining, and passing this Act, or incident thereto, shall be paid by Act. the Oxford, Worcester, and Wolverhampton Railway Company.

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