CHAPTER ccxiii.

An Act to extend the Time limited for the compulsory purchase of Lands and completion of the Railways and Works authorised by "The Birmingham and Lichfield Junction Railway Act, 1872," "The Birmingham and Lichfield Junction Railway Act, 1874," and "The Birmingham and Lichfield Junction Railway Act, 1875;" and for other purposes. [10th August 1877.]

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WHEREAS by "The Birmingham and Lichfield Junction Railway Act, 1872," (in this Act called "the Act of 1872,") the Birmingham and Lichfield Junction Railway Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining (amongst other works) a railway from the South Staffordshire Railway to the Sutton Coldfield branch of the London and North-western Railway Company, and for other purposes:

And whereas by the Act of 1872 the time for the compulsory purchase of lands for the purposes of the Act was limited to three years from the passing of that Act, and the time for the completion of the railway was limited to five years from the passing of the Act, which received the Royal assent on the sixth day of August 1872:

And whereas by "The Birmingham and Lichfield Junction Railway Act, 1874," (in this Act called "the Act of 1874,") the Company were authorised to make and maintain certain railways therein described, and to abandon part of the railway authorised by the Act of 1872:

And whereas by the Act of 1874 the time for the compulsory purchase of lands for the purposes of that Act was limited to three

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years from the passing of that Act, and the time for the completion of the railways thereby authorised was limited to five years from the passing of the Act of 1872:

And whereas by "The Birmingham and Lichfield Junction Railway Act, 1875," (in this Act called "the Act of 1875,") it was provided that the powers of the Company under the Act of 1872 for the compulsory purchase of the lands required for so much of the railway authorised by that Act as the Company were not by the Act of 1874 required to abandon, might be exercised within two years, but should not be exercised after the expiration of two years, from the sixth of August 1875, being the expiration of the time limited by the Act of 1872:

And whereas it is expedient that the periods now limited for the compulsory purchase of lands for and for the completion of so much of the railways authorised by the Act of 1872 as was not required by the Act of 1874 to be abandoned be further extended, and that the periods limited by the Act of 1874 for the compulsory purchase of lands for and for the completion of the railways thereby authorised be extended, but that object 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,)

Short title.

1. This Act may be cited as "The Birmingham and Lichfield Junction Railway Act, 1877."

Incorporation of Part II. of 26 & 27 Vict. c. 92.

2. Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," is (except where expressly varied by this Act) incorporated with and forms part of this Act.

Same meanings to words in Act in part incorporated and this Act.

3. The several words and expressions to which by the Act in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context. The word "lands" extends to messuages, lands, tenements, and hereditaments of any tenure.

Extending period for compulsory

4. The powers of the Company for the compulsory purchase of lands for the purposes of so much of the railway authorised by

the Act of 1872 as was not required by the Act of 1874 to be abandoned, and for the purposes of the railways authorised by the Act of 1874, may be exercised within two years, but shall not be exercised after the expiration of two years, from the passing of this Act. purchase of lands.

5. With respect to the Post Office telegraph system the following provisions shall take effect:

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same: Restriction on works affecting Post Office telegraph system.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same: Power for Postmaster General to annex conditions.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may, at and for all reasonable times, enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon: Power of entry for Postmaster General.

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Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster General to construct and work telegraphs, &c.

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands, but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic com-

munication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Extending period for completion of works.

6. The period limited by the recited Acts for the completion of so much of the railway authorised by the Act of 1872 as is not by the Act of 1874 required to be abandoned, and of the railways authorised by the Act of 1874, is hereby extended to three years from the sixth day of August one thousand eight hundred and seventy-seven, and if the respective railways be not then completed, then at the expiration of that period the powers granted to the Company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railways not exempt from provisions of present and future general Acts.

7. Nothing in the Act of 1872, or the Act of 1874, or the Act of 1875, or this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways, or the better 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the recited Acts or any of them.

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Expenses of Act.

8. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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