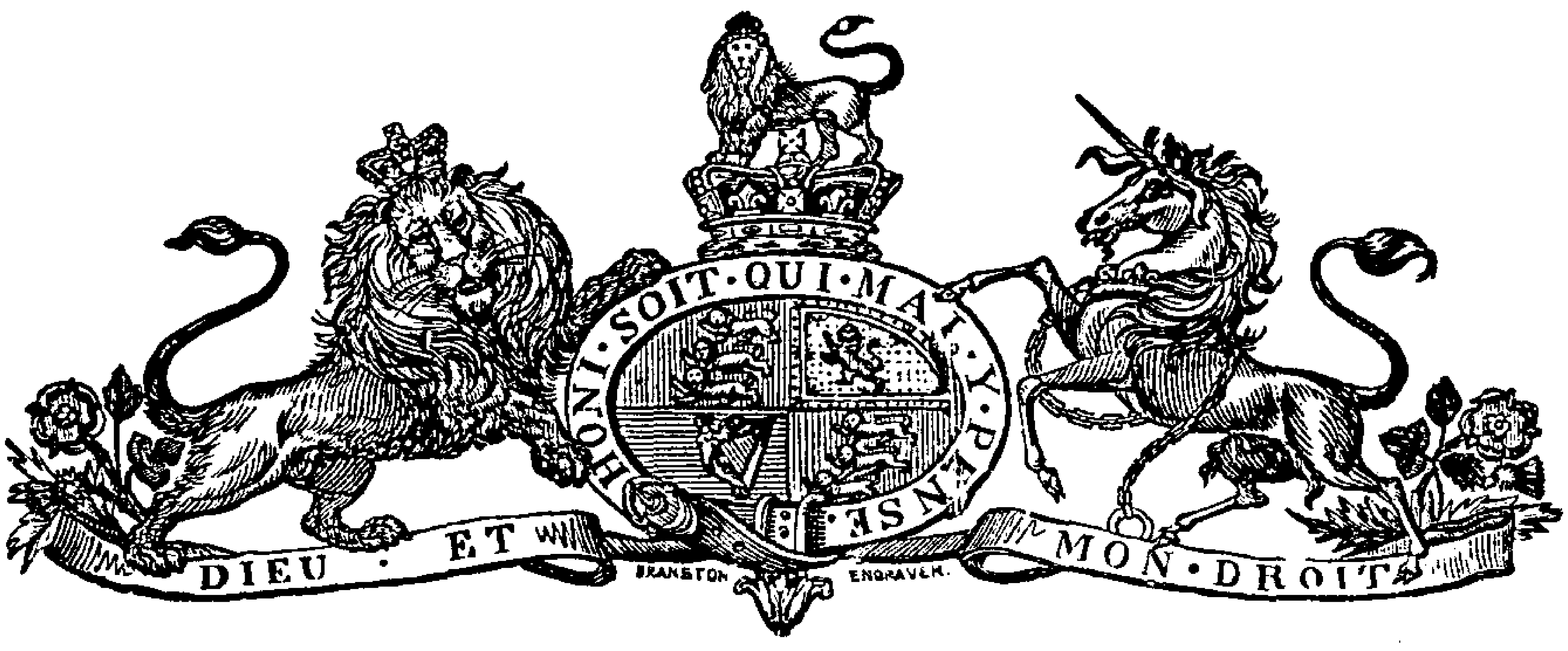


ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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Cap. cxx.

An Act to authorize a certain Alteration in the Line of the *Birmingham, Wolverhampton, and Stour Valley* Railway, and to amend the Act relating thereto; and for other Purposes.

[2d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from* Birmingham *to* Wolverhampton, *and to the* Grand Junction *Railway in the Parish of* Bushbury, *with a Branch to* Dudley, whereby several Persons were incorporated by the Name of "The *Birmingham, Wolverhampton, and Stour Valley* Railway Company:" And whereas it is expedient that a certain Part of the Line of Railway authorized by the said Act should be abandoned, and a new or altered Line of Railway made in lieu thereof, and that some of the Powers and Provisions of the said recited Act should be amended and enlarged, and further Powers granted to the said Company: 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 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions contained in the said recited Act, and expressly including the

9 & 10 Vict. c. 328.

Provisions of recited Act and Acts in-

corporated therewith extended to this Act.

Provisions incorporated therewith of the "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," except such of the said respective Provisions as are inapplicable to the Purposes of this Act or are inconsistent with the Provisions hereof, shall extend to this Act, and to the several Purposes thereof, and the Things hereby respectively authorized, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Purposes and Things, and the said recited Act and this Act shall be construed together as forming One Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in other Instruments or Proceedings, it shall be sufficient to use the Expression "The *Birmingham, Wolverhampton, and Stour Valley* Railway Act, 1847, (No. 1.) *Smethwick* Deviation."

Power to construct altered Portion of Railway according to deposited Plans.

III. And whereas Plans and Sections showing the Line and Levels of the said proposed new or altered Portion of Railway, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the respective Clerks of the Peace of the Counties of *Warwick*, *Stafford*, and *Worcester;* be it enacted, That, subject to the Provisions in this and the recited Act contained, and to the Powers of Deviation in the Railways Clauses Consolidation Act, 1845, contained, it shall be lawful for the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company to make and maintain the said new or altered Portion of Railway according to the Line and Levels thereof as defined upon the said Plans and Sections, and to enter upon, purchase, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for such Purpose.

New Line of Railway.

IV. And be it enacted, That the said new or altered Line of Railway shall commence by a Junction with the Main Line of Railway as authorized by the said recited Act at a Point in the Parish of *All Saints* in *Birmingham* in the County of *Warwick*, and being at or about the Twelfth Mile Fifth Furlong and Sixth Chain as marked on the Plans of the said Railway referred to in the said recited Act, and in or near a Field in the same Parish numbered 27 on the same Plans, and shall terminate at a certain other Point on the said Main Line of Railway as at present authorized to be made situate in the Parish of *West Bromwich*, and being at or about the Seventh Mile Seventh Furlong and Seventh Chain of the said Main Railway as marked on the same Plans, and in or near a Field in the same Parish, which is numbered 1ª on the same Plans, and shall pass through or into the Places following, or some of them; (that is to say,) *Birmingham*, the Borough of *Birmingham*, *All Saints Birmingham*, and *Nineveh*, in the said County of *Warwick; Handsworth*, *Saint Mary Handsworth*, *Saint James Handsworth*, *Harborne*, *North Harborne*, *Holy Trinity North Harborne*, *Smethwick*, *Holy Trinity Smethwick*, *Saint Peter Harborne*, *West Bromwich*, *Christ Church* and *Holy Trinity West Bromwich*, *Spon Lane*, *Bromford*, *Saint James West*

Bromwich, *All Saints West Bromwich*, *Rowley*, and *Rowley Regis*, in the County of *Stafford;* and *Halesowen*, *Oldbury*, and *Saint Nicholas Oldbury*, in the County of *Worcester*.

Power to abandon Parts of Main and Branch Lines.

V. And be it enacted, That the said Company shall abandon such Parts of the said Railway which by the said recited Act they were empowered to make as extend from the Point at which the said new or altered Line of Railway hereby authorized to be made commences to the Termination of such new or altered Line, and as by reason of the Alteration by this Act authorized to be made will be rendered useless to the Company for the Purposes of the Railway and Works, and shall also abandon so much of the Branch Railway to *Dudley* authorized by the same Act as lies between the now authorized Junction thereof with the Main Line of the said Railway in the Township of *Oldbury* in the said Parish of *Halesowen* and the Point where the said new or substituted Line will intersect the Line of the said Branch, (that is to say,) at or about the Third Furlong and Fifth Chain of the First Mile of the said Branch (at or near which last-mentioned Place the said Branch Railway shall form a Junction with the said new or substituted Line), and that all the Powers and Authorities given by the said recited Act to the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company in reference to the Portions of the said Main and Branch Railway so to be abandoned respectively shall immediately after the passing of this Act determine.

New Line to form Part of the Birmingham, Wolverhampton, and Stour Valley Railway.

VI. And be it enacted, That the said new Line of Railway shall be and become Part of the Undertaking of the *Birmingham, Wolverhampton, and Stour Valley* Railway, and all the Provisions of the said recited Act shall extend and have reference thereto in like Manner as though the same had been re-enacted herein as applicable to the said new Line, or as though the said new Line had originally formed Part of the said *Birmingham, Wolverhampton, and Stour Valley* Railway in lieu of that Portion of the Line by the said recited Act authorized to be made for which such new Line is intended to be substituted.

Power to cross Roads on the Level.

VII. And be it enacted, That it shall be lawful for the Company to carry the said new or altered Line of Railway on the Level across the Roads numbered respectively on the Plans deposited as herein-before mentioned as follows; that is to say, in the said Parish of *Harborne* the Roads respectively numbered 242 and 265 in the said Plans.

Company to erect Lodges at the Points of crossing, and to abide by Rules, &c. of Commissioners of Railways.

VIII. And be it enacted, 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 said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch

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 Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Period for compulsory Purchase of Lands limited.

IX. 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.

X. And be it enacted, That the new or altered Line of Railway and Works by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Act granted to the Company for executing the same Line of Railway and Works, or otherwise in relation thereto, shall cease, except as to so much of the same as shall then be completed.

Tolls.

XI. And be it enacted, That it shall be lawful for the Company to demand and receive in respect of the Use of the new or altered Line of Railway by this Act authorized, and of Engines and Carriages thereon, any Tolls and Charges not exceeding the maximum Rate of Tolls and Charges limited by the said recited Act.

As to Use of Railway by the Shrewsbury and Birmingham Railway Company.

XII. And be it enacted, That it shall be lawful for the *Shrewsbury and Birmingham* Railway Company to use when made the Railway authorized to be made by the said recited Act, and any Railway made in substitution therefor, and the Stations and other Conveniences connected with such Railways respectively, in the event of the same being leased or sold to the *London and North-western* Railway Company, at all proper and reasonable Times, subject to the Payment of such reasonable Rent or Tolls, and to the Observance of the Bye Laws, Rules, and Regulations of the Company in whom the said Railway shall be vested, or to such Rent and Tolls, and to such Bye Laws, Rules, and Regulations, as in the event of Difference between the *Shrewsbury and Birmingham* Railway Company and such last-mentioned Company may be settled by Arbitration, the Umpire to be appointed by the Commissioners of Railways: Provided always, that the Power hereby conferred on the *Shrewsbury and Birmingham* Railway Company shall cease and be void in case the said Company shall 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: Provided further, that the Authority last aforesaid shall not extend or apply to any Traffic arising on any Station on the *Birmingham, Wolverhampton, and Stour Valley* Railway, and destined for any other Station on that Railway.

XIII. And

Powers of Subscription by certain Companies under recited Act extended to the Undertakers under this Act.

XIII. And be it enacted, That all the Powers and Provisions of the said recited Act, whereby or under which the *London and North-western* Railway Company, the Company of Proprietors of the *Birmingham* Canal Navigations, and the *Shrewsbury and Birmingham* Railway Company are empowered to subscribe towards and become Shareholders in the Undertaking thereby authorized, shall be applicable to all Intents and Purposes to the said Undertaking as the same is proposed to be altered under and by virtue of this Act.

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

XIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by the said recited Act or any other 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 execute any other Work or Undertaking.

So much of recited Act as relates to Erection of a Station at Spon Lane repealed.

XV. And whereas it was by the said recited Act enacted that the said Company should construct a Goods Station, with proper Conveniences connected therewith, on the East Side of *Spon Lane Bridge* on a Piece of Land numbered 17 in the Parish of *Harborne* on the Plans referred to in the said Act, and by which the Line of Railway as thereby authorized was shown: And whereas by the Alteration of the Line of Railway hereby authorized the said Company will not have the Power to purchase or use the aforesaid Piece of Land numbered 17 in the said Parish of *Harborne*, nor will the same adjoin the Railway as authorized by the said recited Act and this Act; be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

For the Erection of a Station at Spon Lane.

XVI. And be it enacted, That the said Company shall construct a Goods Station, with proper Conveniences connected therewith, on the East Side of *Spon Lane Bridge*, and on or near to Two several Pieces of Land, or either of them, in the Parish of *Harborne*, respectively numbered 322 and 323 on the Plans deposited as aforesaid.

So much of recited Act as relates to certain Crossings of the Birmingham Canal by the Railway as originally authorized and of other intended Crossings extended to the new or altered Portions of Railway, &c.

XVII. And whereas by the said recited Act, after reciting that the said Railway thereby authorized was intended to be carried over several of the Canals of the Company of Proprietors of the *Birmingham* Canal Navigations (which Company is therein and herein-after referred to as the said *Birmingham* Canal Company) in the respective Places and in manner therein-after mentioned, namely, by Bridges or Viaducts over (amongst several other Canals or Portions of Canals of the same Company therein particularly referred to) the Canal called the *Union Branch* at a Point near to the *Albion Works* in the said Parish of *West Bromwich*, over the Canal called the *Birmingham Level* at a Point near to the said last-mentioned Crossing, over the Canal called *Izon Branch* at a Point near to the said Two last-mentioned Crossings, over the Lock Pond between the said Canal called the *Birmingham Level* and the said Canal called the *Wolverhampton Level* at a Point near *Spon Lane* in the Parish of *Halesowen* in

in the County of *Salop*, over the said Canal called the *Wolverhampton Level* at an Aqueduct on the same Canal called the *Steward Aqueduct* in the aforesaid Parish of *West Bromwich*, over the said Canal called the *Wolverhampton Level* at a Point near to the *Old Summit Bridge* in the said Parish of *Harborne*, over the said Canal called the *Birmingham Level* at a Point near *Winson Green* in the said Parish of *Birmingham*, (which said several then intended Crossings herein-before specified or particularly referred to of the aforesaid respective Canals by the said Railway as the same was originally authorized as aforesaid are herein-after referred to as the Crossings first herein specified,) it was enacted, that the said Railway Company should, in manner therein particularly mentioned, build a good and substantial Bridge or Viaduct over the said several Canals, and the Towing Paths and other Works thereof, at each of the aforesaid Points where the said Railway was intended to be carried over the same Canals, or within such limited Deviation therefrom as was therein authorized; and in the same Act were contained various Provisions for or in relation to the Mode of Construction, and also as to the Reconstruction (when necessary) and the Repair and Maintenance of such Bridges and Viaducts, both original and reconstructed, and the Works connected therewith, and for the Protection and Benefit in other respects of the said *Birmingham* Canal Company and the Canals and other Works thereof, and certain Sums as ascertained Damages were made payable upon or in consequence of the Breach of certain of the aforesaid Provisions: And whereas by reason of the Alteration by this Act authorized of the aforesaid Line of Railway, and the Abandonment hereby required of Portions of the said original Line of Railway, the aforesaid Crossings first herein specified of such of the said respective Canals of the said *Birmingham* Canal Company as are herein-before referred to in that Behalf will become unnecessary, and the said Railway Company will not be at liberty to make the same, but the said new or altered Portion of Railway is intended to be carried over several of the Canals of the said *Birmingham* Canal Company in the respective Places and in manner herein-after mentioned, namely, by Bridges or Viaducts over the said Canal called the *Birmingham Level* at a Point near *Winson Green* aforesaid in the said Parish of *Birmingham* near to the said originally intended Crossing of the same Canal near *Winson Green* aforesaid, over the old Line of Canal called the *Birmingham Level* in the said Parish of *Harborne* at a Point between the *Smethwick* Soapworks and the *Soho* Foundry, over the new Line of Canal called the *Birmingham Level* in the said Parish of *Harborne* at a Point between the *Smethwick* Soapworks and the *French Walls* Ironworks, over the said Canal called the *Wolverhampton Level* in the said Parish of *Harborne* at or near an Aqueduct called *Steward Aqueduct*, over the Branch Canal of the *Birmingham Level* called *Parker Branch* at or near *Bromford* Ticket Office in the said Parish of *Halesowen*, over the said Canal called the *Union Branch* in the said Parish of *West Bromwich*, and over the said Canal called the *Birmingham Level* at or near the *Union Furnace Bridge* in the same Parish: Be it therefore enacted, That the several and respective Enactments, Provisions, Clauses, Matters, and Things contained in the recited Act in relation to the Bridges or Viaducts for carrying the Railway over the several Canals of the said *Birmingham* Canal Company, and the Towing Paths and other Works

thereof, and the Construction and Repair thereof, and all future Bridges or Viaducts in lieu thereof, and the Works belonging thereto or connected therewith respectively, and the Reconstruction thereof when requisite, and for preventing or otherwise in relation to any Alteration of the Course or Obstruction of the Navigation of the Canals of the same Company, or any of them, or the Obstruction of or Interference with any Communications or Means of or Facilities for Communication therewith respectively, or any Interference with or Injury to the Property and Works of the same Company, and for the Protection or Benefit of the same Company in any Particular, and for or in relation to the Recovery either of ascertained Damages or Penalties upon or in consequence of any Breach or Nonperformance or Nonobservance of all or any or either of such Enactments, Provisions, Clauses, Matters, or Things, shall be and are hereby extended to the new or altered Portion of Railway and Works hereby authorized, and shall henceforth take effect and be enforceable in such Manner in all respects as if the said new or altered Line of Railway and Works hereby authorized, and the said Line of Railway and Works authorized by the said recited Act, exclusive of such Portions thereof as are hereby required to be abandoned, had been originally authorized by the said recited Act, and as if such several Crossings by the said Railway of the said Canals and Works of the said *Birmingham* Canal Company as are secondly herein-before specified or specially referred to had been in the same Act specified and authorized instead of the said several Crossings first herein-before specified or specially referred to, and in addition to the several other Crossings which are also mentioned in the said recited Act of the said Railway over or under the Canals of the same Company, or some of them.

For Protection of the Rotton Park Feeder.

XVIII. And be it enacted, That in carrying the said Railway hereby authorized across the Feeder of the said *Birmingham* Canal called the *Rotton Park* Feeder in the aforesaid Parish of *Harborne*, and numbered 44 on the said Plan so deposited as aforesaid, the said Railway Company shall so construct their Works that the said Railway and the Works connected therewith shall at no Time interfere with the free Flow of Water on its present Level in and through such Feeder, or otherwise prejudicially affect the same.

Power to lease Railway to the London and North-western Railway Company.

XIX. And be it enacted, That it shall be lawful for the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, with the Approbation of a Majority of not less than Three Fifths of the Votes of the Proprietors present, personally or by Proxy, at an Extraordinary Meeting convened for the Purpose, to demise or lease unto the *London and North-western* Railway Company the Railways and Works by the said recited Act and this Act authorized, or any Part or Parts thereof respectively, for such Term of Years, either absolute or determinable, and to be computed from such Time or Times, and in consideration of such annual and other Rents, Reservations, and Payments (either fixed or fluctuating, or partly of each Character), and with and subject to such Covenants, Stipulations, and Conditions, as well on the Part of the Lessors as of the Lessees, as they shall think proper; and the said *London and North-western* Railway Company are hereby authorized, with the Approbation of the Board of Directors

Directors of the said last-mentioned Company, to enter into and accept and execute such Lease, and perform and observe the Covenants and Stipulations thereof on their Part.

Power to sell Railway to the London and North-western Railway Company.

XX. And be it enacted, That it shall be lawful also for the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, by and with the Approbation of a Majority of not less than Three Fifths of the Votes of the Shareholders who may be present, either personally or by proxy, at an Extraordinary Meeting of the said last-mentioned Company convened for the Purpose, to sell and transfer unto the said *London and North-western* Railway Company, and for the same Company, by and with a like Authority on the Part of the Shareholders in the said last-mentioned Company, to purchase, the Undertaking by the said recited Act and this Act authorized, or any Share or Interest therein, or any Portion or Portions thereof, and that either before or after the Completion thereof (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase (of which Completion a Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase or Consideration Money, and under the respective corporate Seals of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company and the said *London and North-western* Railway Company, shall be sufficient Evidence,) the said *London and North-western* Railway Company may have and hold the said Undertaking, or the Share therein or Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by the said recited Act and this Act on the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, and for such Purpose it shall be lawful for the said *London and North-western* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow such Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the said Railways and Works by the said recited Act and this Act authorized, or such Portion thereof as shall have been so purchased: Provided nevertheless, that the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by the said recited Act authorized to be raised for the Purposes of the said Undertaking thereby authorized, and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital, and that no Money whatever shall be borrowed until the whole of the Money so authorized to be raised by Shares shall have been subscribed for, and One Half thereof actually paid up: Provided always, that in the event of the whole Undertaking by the said recited Act and this Act authorized being purchased by the said *London and North-western* Railway Company, then from and after the Completion of such Purchase the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company shall be dissolved and cease to exist, save and except as respects and for the Purposes of the Satisfaction of any existing Debts or Liabilities of the same Company and the general Settlement of the Affairs thereof; and all Powers and Authorities in relation to the aforesaid Undertaking which could have been otherwise exercised by the same Company

Company shall be vested in the said *London and North-western* Railway Company, and may be exercised by them, and the Corporate Seal of the said *London and North-western* Railway Company used when necessary in reference thereto, in like Manner as though the said Undertaking formed Part of the said *London and North-western* Railway, and the said *London and North-western* Railway Company had been originally authorized to carry the same into effect in lieu of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company: Provided always, that in the event of a Portion only of the Undertaking by the recited Act and this Act authorized being purchased by the said *London and North-western* Railway Company, then from and after the Completion of such Purchase all the Powers and Authorities granted by the said recited Act and this Act may be exercised, so far as they are applicable, by the said *London and North-western* Railway Company, and the Corporate Seal of the same Company be used when necessary in reference thereto, in like Manner as though the same Company had been originally authorized to carry the same into effect in lieu of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company.

Interest not to be paid on Calls paid up.

XXI. And be it enacted, That it shall not be lawful for the said *London and North-western* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the several Acts relating to the said Company, or any of them, in that Behalf contained.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XXII. Provided always, and be it enacted, That it shall not be lawful for the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company by virtue of the Power herein-before contained to sell, demise, or lease, nor for the said *London and North-western* Railway Company to purchase, or to enter into or accept such Lease of the said Railway, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Application of Monies to arise from such Sale or Lease.

XXIII. And be it enacted, That in the event of any Sale or Lease under the Powers of this Act to the said *London and North-western* Railway Company, the gross Monies which may be payable by the same Company as the Consideration, wholly or in part, for such Purchase, shall, subject to and after Payment or Satisfaction of all incidental Costs and Expences, be from Time to Time applied, under the

Control and Superintendence of the Directors of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, in or towards the Discharge of the Debts and Liabilities of the same Company, except any Mortgages subject to which the Sale or Lease shall have been made; and the Surplus, and also in the event of an absolute Sale under the aforesaid Power the remaining Funds and Assets of the same Company, shall be paid and distributed, under the like Control and Superintendence, amongst the Shareholders for the Time being in the same Company, and in proportion to their several and respective Rights and Interests in the Capital thereof, and so that the Share therein of any Company which shall for the Time being be authorized to be and shall be such Shareholder shall be applicable as Part of the general Capital of the same Company.

Receipts of Executors, &c. sufficient Discharge.

XXIV. And be it enatced, That it shall be lawful for all Executors, Administrators, and Trustees, and they are hereby authorized and empowered, upon or with reference to any Distribution or Division of the Property and Funds of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company pursuant to the said last preceding Clause, to give effectual and conclusive Receipts and Discharges for the Monies to arise from or otherwise represent or be apportioned in respect of the Shares in the Capital of the same Company which are or may be vested in them respectively, or in which they respectively are or may be interested in such respective Capacities, and so as to release the same Company, and the Directors and Officers thereof, from all Obligation in respect of the Amount and Application of the Monies for or concerning which any such Receipt or Discharge shall be given.

Unclaimed Monies how to be applied.

XXV. And be it enacted, That as concerning any Shares in the Capital of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, the Proprietor or Proprietors of which shall not be known or cannot be found, or in respect of which no Claim shall be made and supported by proper Evidence within Twelve Calendar Months next after the Completion of any Sale or Lease under the preceding Provisions in that Behalf, or in respect of which there shall be no Person competent to receive and give an effectual Discharge for the Monies payable in respect thereof, or the Distribution herein-before directed of the Funds of the same Company, it shall be lawful for the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company to deposit, invest, and pay such Proportion or distinct Proportions of the net Monies to arise from any such Sale or from any such Lease which may be made, wholly or in part, in consideration of a Sum in gross, as shall correspond with or represent and be payable in respect of the same Shares respectively, in the Manner and subject to the Provisions contained in the Clauses of the said "Lands Clauses Consolidation Act" with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title to Lands purchased under the said Act; and the Monies so to be deposited, invested, and paid shall be applied in pursuance of the same Clauses, but at the Expence in all Things of the Person or Persons who shall be or who shall claim to be entitled thereto, and not at the Expence in any Particular of the said *Birmingham, Wolver-*

Wolverhampton, and Stour Valley Railway Company: Provided nevertheless, that any Investment of such Monies or of the annual Income thereof, or of any preceding Investment thereof, may be made upon the Petition of the same Company, or of any Directors thereof, and at the Expence of the Trust Fund; and that in any Case in which such Monies may be lawfully paid to Two Trustees such Trustees shall or may be appointed by the same Company, or by or pursuant to a Resolution of the Directors thereof, with such Provisions for the Appointment of new Trustees from Time to Time upon the Death, Retirement, Incapacity, or Unfitness to act of any Trustee or Trustees thereof for the Time being as may be thought expedient; and every Deposit Investment, or Payment under this present Clause shall conclusively discharge the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, and the respective Directors thereof, from all further Liability in respect of the Application of the Monies so deposited or paid, and be as effectual in their Favour as if the same Monies had been duly paid to a Person absolutely entitled thereto.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXVI. 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 Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said present 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 Session of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Session held in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the 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 Railway and Company so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of Act.

XXVIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in this present Session

Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act. XXIX. 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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