CHAP. cl.

An Act to extend the time and continue the powers granted to the Halesowen and Bromsgrove Branch Railways Company for the compulsory purchase of lands and for the completion of railways in the county of Worcester, and to authorise that Company to abandon a certain railway in the same county; and for other purposes. [1st August 1870.] A.D. 1870.

WHEREAS by "The Halesowen and Bromsgrove Branch Railways Act, 1865," (herein-after referred to as "the Act of 1865,") the Halesowen and Bromsgrove Branch Railways Company (herein-after called "the Company") were incorporated, with power to make and maintain certain branch railways in the county of Worcester thereby authorised: 28 & 29 Vict. c. ccxxxiii.

And whereas by "The Halesowen and Bromsgrove Branch Railways Act, 1866," (herein-after referred to as "the Act of 1866,") the Company were empowered to make and maintain certain other branch railways in the county of Worcester thereby authorised: 29 & 30 Vict. c. cccxvii.

And whereas it is expedient that the Company should be authorised to relinquish and abandon the construction of the railway authorised by and secondly described in the Act of 1866:

And whereas it is expedient that the times and the powers limited by the Act of 1865 and the Act of 1866 respectively, for the compulsory purchase of lands and for completing the railway and works by those Acts respectively authorised (except as to certain portions of railway No. 1, authorised by the Act of 1866, and the railway which it is expedient to abandon as aforesaid), should be extended and continued:

And whereas the 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

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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 for all purposes as "The Halesowen and Bromsgrove Branch Railways Act, 1870."

Part 2 of 26 & 27 Vict. c. 92. incorporated.

2. Part 2 (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 this Act as in incorporated Acts.

3. The several words and expressions to which by the Acts incorporated herewith meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction; the expression "the original Acts" in this Act shall mean the Act of 1865 and the Act of 1866 collectively.

Reduction of capital authorised by Act of 1866.

4. The additional capital of the Company under the Act of 1866 shall be twenty-seven thousand pounds instead of forty-eight thousand pounds, and the powers of borrowing given to the Company by that Act shall be reduced from sixteen thousand pounds to nine thousand pounds, and the fifth and eighth sections of that Act shall be read and construed as though the sums of twenty-seven thousand pounds instead of forty-eight thousand pounds, and nine thousand pounds instead of sixteen thousand pounds, had been named therein, and all the provisions of that Act with respect to the capital of the Company shall extend to the capital as reduced by this Act, except so far as such provisions are expressly altered by this Act.

Powers for compulsory purchases extended.

5. The powers of the Company for the compulsory purchase of the lands and houses for the purposes of the bridge, roads, and works authorised by the original Acts (excepting as to so much of railway No. 1, authorised by the Act of 1866, as lies between the public road numbered 77 in the parish of Halesowen, on the plans deposited for the purposes of that Act, and the termination of that railway) may be exercised within two years, but shall not be exercised after the expiration of two years after the passing of this Act.

Time for completing works extended.

6. The respective periods limited for completing the railways and works of the Company under the original Acts (excepting as to so much of railway No. 1, authorised by the Act of 1866, as lies between the public road numbered 77 in the parish of Halesowen, on the plans deposited for the purposes of that Act, and the termina-

tion of that railway) shall be respectively continued and extended for a period of three years from the passing of this Act, and the original Acts shall be construed as if that period had been originally named in those Acts.

As to abandoning part of railways.

7. The Company may abandon the railway authorised by and secondly described in the Act of 1866.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

8. The abandonment by the Company, under the authority of this Act, of the railway mentioned in the preceding section of this Act, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of that railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company, to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such lands of any of the powers contained in the last-mentioned Act or the Act of 1866.

Compensation to be made in respect of railway abandoned.

9. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any lands for the purposes of or in relation to the railway hereby authorised to be abandoned, full compensation shall be made by the Company to the owners and occupiers of, or other persons interested in, such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Deposits for future Bills not to be paid out of capital.

10. The Company shall not, out of any money which they are by any Act authorised to raise, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any railway, or to execute any other work or undertaking.

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

11. Nothing herein contained shall be deemed or construed to exempt the railway of the Company from the provisions of any general Acts relating to railways, or to 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 to be taken by the Company.

Expenses of Act.

12. 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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