CHAPTER clxxxiii.

An Act for conferring powers upon the Much Wenlock and Severn Junction Railway Company for the construction of Works and the raising of Money, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes. A.D. 1873.

[21st July 1873.]

WHEREAS the making and maintaining of the railways by this Bill authorised would be of public and local advantage:

And whereas the Much Wenlock and Severn Junction Railway Company (in this Bill called "the Company") are desirous, and it is expedient that they be authorised to construct the said railways:

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act:

And whereas it is expedient that the Company and the Great Western Railway Company and the London and North-western Railway Company, or either of them, be authorised to enter into agreements as by this Act provided:

And whereas it is expedient that the Company be authorised to run over and use the railway and portions of railway in that behalf in this Act specified:

And whereas it is expedient that other provisions be made with respect to the Company:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the land required, or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Salop, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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And whereas the purposes of this Act 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:

Short title.

1. This Act may be cited for all purposes as "The Much Wenlock and Severn Junction Railway (Lightmoor Extensions) Act, 1873."

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters, (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for the nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of borrowed money into capital, the consolidation of shares into stock, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845;" and Part I. (relating to construction of a railway) of "The Railway Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Much Wenlock and Severn Junction Railway Company; the expression "the railways" means the railways and works by this Act authorised; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways, and for tolls thereon.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

A railway No. 1, four furlongs three chains and fifty decimals of a chain in length, commencing in the parish of Madeley by a junction with the Great Western Railway (Lightmoor to Coalbrookdale Branch) near Lightmoor, and terminating in the said parish of Madeley in a pasture field called Near Moors, numbered 201 on the tithe map of the said parish:

A railway No. 2, in the deposited plans, sections, and books of reference referred to as railway No. 3, seven furlongs three chains and fifty-four decimals of a chain in length, commencing in the said parish of Madeley by a junction with the said intended railway No. 1 in a pasture field called Near Moors, numbered 201 on the tithe map of the said parish, and terminating in the parish of Stirchley by a junction with the Coalport Branch of the London and North-western Railway:

And the railways and works executed under the authority of this Act shall for the purposes of tolls and charges form part of the general undertaking of the Company, and it shall be lawful for the Company to demand and receive such tolls and charges in respect of each and every description of traffic upon the said railway or railways as they would have been entitled to demand and receive if the same had originally formed part of the main line of the Company authorised by "The Much Wenlock and Severn Junction Railway Act, 1859."

As to junction of railway No. 2 with Coalport Branch of London and North-western Railway.

5. The junction of railway No. 2 with the Coalport Branch of the London and North-western Railway shall be made only at such point as shown on the deposited plans, unless some other point for such junction shall be agreed on between the Company and the London and North-western Railway Company, and the Company shall not, without first obtaining the consent of that company under their common seal, purchase, take, or otherwise interfere with any lands or property of that company, save only so much thereof as shall be absolutely necessary for making and maintaining the junction of railway No. 2 as before prescribed, which, however, they shall not purchase and take, but they may purchase and take, and that company may and shall sell and grant accordingly, an easement or

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right of using for the purpose for which, but for this enactment, the Company might purchase and take the same.

Not to enter on lands of Great Western Company until plans of proposed works affecting the Company approved.

6. The Company shall not enter upon or interfere with the Madeley Branch Railway of the Great Western Railway Company, or any of the lands or works of that company, or execute any works whatever under, over, or affecting the same, until the Company shall have delivered to the Great Western Railway Company plans, drawings, and specifications of such intended works, and those plans, drawings, and specifications shall have been approved in writing by the principal engineer for the time being of the Great Western Railway Company, or in the event of his failure for one calendar month after the delivery of the plans, drawings, and specifications, until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade; and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans, drawings, and specifications, and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company.

As to execution of portion of railway No. 1 on land of Great Western Company.

7. In constructing railway No. 2 by this Act authorised through or over the land and property of the Great Western Railway Company, the Company shall not deviate from the centre line beyond the limits shown on the deposited plans without the previous consent in writing of the Great Western Railway Company under their common seal; and the said railway No. 2, where the same is intended to cross the Madeley Branch Railway of the Great Western Railway Company, shall be carried over that railway and the sidings and lands of the Great Western Railway Company by means of a bridge not less than fifteen feet in height above the rails of such railway and sidings, and of such span as shall be determined by the engineer for the time being of the Great Western Railway Company, but not to be required to exceed thirty-six feet in the clear, measured on the square.

Expenses of watchmen during construction of works to be paid by Company to Great Western Company.

8. The Company shall bear and on demand pay to the Great Western Railway Company the expense of the employment by them during the making of the railway No. 2 over or adjacent to the Madeley Branch Railway of a sufficient number of inspectors or watchmen to be appointed by them for watching the said branch railway and works with reference to and during the execution of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company in reference thereto or otherwise.

Damage sustained by Great Western Company to be repaid.

9. Notwithstanding anything in this Act contained, the Company shall from time to time be responsible for and make good to the Great Western Railway Company all losses, costs, damages, and expenses which may be occasioned to them or to any of their works or property, or to the traffic on their railways, or to any company or persons using the same, or otherwise, during the execution or by reason of the failure of any of the intended works, or of any act or omission of the Company, or of any persons in their employ, or of their contractors or otherwise, and the Company shall effectually indemnify and hold harmless the Great Western Railway Company from all claims and demands upon or against them by reason of such execution or failure, and of any such act or omission.

Company to maintain bridge and works carrying railway No. 2 over Great Western Railway.

10. The Company shall at their sole expense at all times maintain the bridge and other works by which railway No. 2 by this Act authorised shall be carried over the Madeley Branch Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Railway Company, and if and whenever the Company fail so to do, after one month's notice from the Great Western Railway Company for that purpose, or in case of urgency the Great Western Railway Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Western Railway Company shall think requisite in that behalf, and the sum from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company, and in default of full repayment the amount due may be recovered, with full costs, by the Great Western Railway Company from the Company in any court of competent jurisdiction.

Company not to interfere with traffic on Great Western Railway.

11. In constructing the railway by this Act authorised, the Company shall not in any way obstruct or interfere with the traffic passing along the said Madeley Branch Railway, or with the traffic passing along the Great Western Railway Company's Lightmoor and Coalbrookdale Railway, so as to impede or prevent the convenient passage of engines and carriages along the said railways respectively, and in the event of any such obstruction or interference the Company shall pay to the Great Western Railway Company the sum of twenty pounds per hour for every hour during which any such obstruction or interference shall continue.

Land of Great Western Company not to be taken except

12. Nothing in this Act contained shall extend or be deemed or construed to extend to authorise or enable the Company to take or enter upon or use, either temporarily or permanently, any of the lands of the Great Western Railway Company, or to alter, vary, or

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for certain works.

interfere with the Madeley Branch Railway, or with the Lightmoor and Coalbrookdale Railway, or with any of the works of those railways respectively, further or otherwise than is necessary for the construction of the junction by this Act authorised with the said Lightmoor and Coalbrookdale Railway, and for the crossing of the said Madeley Branch Railway, and for the construction of a station at or near the point of junction, without the consent in writing in every instance for that purpose first had and obtained of the Great Western Railway Company under their common seal; and with respect to any lands of the Great Western Railway Company which the Company are by this Act authorised to use, enter upon, or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the Great Western Railway Company shall sell or grant accordingly, an easement or right of using the same in perpetuity for the purposes of this Act.

Company may apply existing capital.

13. The Company may apply towards the purposes authorised by this Act any capital or funds belonging to or authorised to be raised by them, and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Power for Company to raise additional capital.

14. The Company may from time to time raise (in addition to the capital which they are now authorised to raise), by the creation and issue in new shares of the nominal value of ten pounds each, any further sums not exceeding twenty-one thousand pounds.

New shares to be shares of general capital.

15. The new shares created by the Company under this Act shall be shares of the general capital of the Company, and except as by this Act otherwise provided, all such qualifications, rights of voting, and other rights, privileges, liabilities, and incidents shall attach to and be conferred by the shares so created as to and by the shares of the Company's existing capital.

Appropriation of new shares.

16. The new shares created by the Company under this Act shall be offered to the holders of then existing shares of the Company in proportion to the number of such existing shares held by them respectively at the time of the creation of such new shares.

Shares not to be issued until one fifth part is paid thereon.

17. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

18. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene between successive calls, and three fourths of the amount of a share

shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to attach preferential dividend to new shares.

19. It shall be lawful for the Company from time to time, with the assent of three fifths of the votes of shareholders at any meeting of the Company, to attach to any shares to be issued under the authority of this Act a preference or priority in payment of dividend over the ordinary shares of the Company not exceeding four and a half pounds per centum per annum.

Power to borrow.

20. The Company may from time to time borrow on mortgage under the powers of this Act (in addition to the sums authorised to be borrowed by their existing Acts) any further sum not exceeding in the whole seven thousand pounds, but no part thereof shall be borrowed until the whole capital of twenty-one thousand pounds by this Act authorised to be raised is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845" (before he so certifies), that the whole of the said capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share of such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant his certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

21. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages or debenture stock to be granted or created or issued by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

For appointment of a receiver.

22. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of

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arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Lands for extraordinary purposes.

24. The quantity of land to be taken by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre.

Inclination and lowering of roads.

25. In altering for the purposes of this Act the road next herein-after mentioned, in construction of the intended railway No. 1, the Company may lower the same to an extent not exceeding five feet four inches, and may make the same of any inclination not steeper than the inclination herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
6	Madeley - -	Public road - -	1 in 11.

Powers for compulsory purchases limited.

26. The powers of the Company for the compulory 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.

Imposing penalty unless lines be opened within period limited.

27. If the Company fail within the period limited by this Act to complete the railways authorised to be made by this Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways not so completed, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of the Act 17th and

18th Victoria, chapter **31**, known as "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act 17th and 18th Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of the Paymaster General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing and opening such lines respectively by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty in compensation to parties injured.

28. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways or any portions thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the court, if the Company is insolvent, shall wholly or in part be paid to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

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Period for completion of works.

29. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power for Company to run over railways of Great Western Railway Company.

30. The Company may run over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description, the following railways and portions of railways respectively; (that is to say,)

So much and such portions respectively of the railway or branch from Lightmoor to Coalbrookdale of the Great Western Railway Company and of the Wellington and Severn Junction Railway as are situate and lie between the Coalbrookdale station on the first-mentioned railway or branch, and the point of junction of those railways, or one of them, with the Madeley Branch of the Great Western Railway;

Together with all tramways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said railways and portions of railways, and the respective Company owning or working the railways or portions of railways so run over and used shall afford all requisite facilities for the purpose.

Terms and conditions of running over Great Western Railway.

31. The terms and conditions on which the Company shall be entitled to run over and use the said railways and portions of railways referred to in the last preceding clause, and the works and conveniences connected therewith, shall be such terms and conditions as the Company and the Great Western Railway Company from time to time agree on, or, as failing agreement between them, are from time to time determined by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Tolls on railway run over under Act by Company.

32. With respect to the said railways and portions of railways over which the Company run, they respectively from time to time may demand and take for all passengers, animals, and things conveyed by them thereon, and for carriages, waggons and trucks respectively conveying the same and provided by them, and for locomotive engines or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, rates, or other charges as by the several Acts relating to the said railways and portions of railways respectively are authorised to be demanded and taken for like traffic, services, and matters thereon respectively,

and in like manner and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

Power for Great Western Company to run over railways by this Act authorised.

33. The Great Western Company may run over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description, the railways by this Act authorised, or any part or parts thereof, together with all tramways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said railways, or any part or parts thereof; and the company owning or working the railway or portion of railway so run over and used shall afford all requisite facilities for the purpose.

Terms and conditions of such running powers.

34. The terms and conditions on which the Great Western Company shall be entitled to run over and use the said railways, or any part or parts thereof referred to in the last preceding clause, and the works and conveniences connected therewith, shall be such terms and conditions as the companies interested from time to time agree on, or as, failing agreement between them, are from time to time determined by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Tolls on railway run over under Act by Great Western Company.

35. With respect to the said railways or any part or parts thereof over which the Great Western Company run, that company from time to time may demand and take for all passengers, animals, and things conveyed by them thereon, and for carriages, waggons, and trucks respectively conveying the same and provided by them, and for locomotives, engines, or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, and other charges as the Company are authorised to demand and take for like traffic, services, and matters thereon respectively, and in like manner, and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

Tolls on traffic conveyed partly on railways of Company and partly on other railways.

36. Where under the provisions of this Act, or any Act relating to the Company, traffic is conveyed partly on the railways of the Company and partly on the railway of any other company, the railways of the Company and the railway of such other company shall for the purposes of tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railway of any other company for a less distance

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than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railway of any other company.

Interest not to be paid on calls paid up.

37. The Company shall not, out of any money by this Act or any Act relating to the Company authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

38. The Company shall not, out of any money by this Act or any Act relating to the Company authorised to be raised by calls, debenture stock, or borrowing, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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

39. Nothing in this Act shall exempt the railways of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now or hereafter in force, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges, or of the rates for small parcels, by any Act relating to the Company authorised.

Expenses of Act.

40. All costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

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