CHAPTER clxxx.

An Act to change the name of the Dudley and Oldbury Junction Railway Company to confer further powers on that Company and on the Great Western Railway Company and for other purposes. [11th August 1881.]

A.D. 1881.

WHEREAS by the Dudley and Oldbury Junction Railway Act 1873 (herein-after called "the Act of 1873") the Dudley and Oldbury Junction Railway Company (herein-after called "the Company") were incorporated and authorised to make and maintain certain railways in the counties of Worcester and Stafford and to raise one hundred thousand pounds by shares and thirty-three thousand pounds by mortgage; 36 & 37 Vict. c. cliv.

And whereas by the Dudley and Oldbury Junction Railway Act 1876 (herein-after called "the Act of 1876") the Company were empowered to make a deviation railway and to abandon a portion of their authorised railways: 39 & 40 Vict. c. ccviii.

And whereas by the Dudley and Oldbury Junction Railway Act 1878 (herein-after called "the Act of 1878") the periods limited by the Act of 1876 for the compulsory purchase of land and for the completion of the railways were extended and the Company were authorised to raise additional capital to the extent of seventy-two thousand pounds by shares and twenty-four thousand pounds by borrowing. 41 & 42 Vict. c. clii.

And whereas the powers of the Company for the compulsory purchase of the lands required for the railways (so far as not abandoned) authorised by the Acts of 1873 and 1876 as extended by the Act of 1878 expired on the twenty-first day of July one thousand eight hundred and eighty and the powers of the Company for completing the said railways will expire on the twenty-first day of July one thousand eight hundred and eighty-one and it is expedient that such powers so far as applicable to the railways as in this Act defined should be revived and extended.

A.D. 1881.

And whereas it is expedient to abandon part of the authorised railways of the Company to reduce the capital of the Company and to change the name of the Company.

And whereas it is expedient that powers to contribute to the undertaking of the Company and to guarantee interests or dividends on the capital of the Company should be conferred on the Great Western Railway Company and that that Company should be authorised to appoint directors of the Company.

And whereas it is expedient that the provisions contained in the Act of 1873 with reference to the appointment of directors by the Company of Proprietors of the Birmingham Canal Navigations (herein-after called the Canal Company) should be repealed and that Articles 5 and 6 of the Heads of Arrangement with that Company scheduled to the Act of 1873 should be cancelled.

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 (that is to say):—

Short title.

1. This Act may be cited as the Oldbury Railway Act 1881.

Incorporation of general Acts. 26 & 27 Vict. c. 92. 26 & 27 Vict. c. 118.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 and Part IV. (relating to change of name) of the Companies 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 partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the railways" means the railway and works authorised by the Act of 1876 and so much of the railway No. 2 authorised by the Act of 1873 as lies between the commencement of the railway authorised by the Act of 1876 and the canal numbered 26 in the parish of Halesowen and county of Worcester on the plans of the said railway No. 2 deposited with reference to the Act of 1873 with the clerk of the peace for the county of Worcester the expression "the Great Western Company" means the Great Western Railway Company The expression "superior courts" or "court of competent jurisdiction" or any other like expression in the Acts 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.

Extension of time for compulsory purchase of lands.

4. The powers of the Act of 1878 with respect to the compulsory purchase or taking of lands for the railways are hereby revived and extended and shall continue in force until the expiration of two years from the twenty-first day of July one thousand eight hundred and eighty-one.

Extension of time for completion of works.

5. The powers of the Company for the construction and completion of the railways shall be extended and enlarged until the expiration of three years from the twenty-first day of July one thousand eight hundred and eighty-one and on the expiration of such extended period the powers of the Company in relation to the railways and works shall cease to be exercised except as to so much thereof as shall then be completed.

Provision for completion of railway.

6. Subject to the provisions in this Act contained for abandoning a portion of the railway and for reducing the capital of the Company the provisions of sections 19 and 20 of the Act of 1876 shall mutatis mutandis be read and have effect as if the period limited by that Act for the completion of the railways was three years from the twenty-first day of July one thousand eight hundred and eighty-one.

Company to abandon portion of authorised railway No. 2.

7. The Company shall abandon the construction of so much of the railway No. 2 authorised by the Act of 1873 as lies between its commencement and the canal numbered 26 in the parish of Halesowen and county of Worcester on the plans of that railway deposited with reference to that Act with the clerk of the peace for the county of Worcester.

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

8. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation 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 of the line of 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 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 land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1873.

8 & 9 Vict. c. 20.

Compensation to be made in

A.D. 1881.

respect of portion of railway abandoned.

of any land for the purposes of or in relation to the portion of the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers 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 the manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

8 & 9 Vict. c. 18.

Reduction of capital of Company.

10. On and after the passing of this Act the powers conferred upon the Company by the Acts of 1873 and 1878 with reference to the raising of capital by shares and by borrowing shall be and are hereby repealed and the capital which the Company may raise by shares is hereby restricted to the sum of seventy thousand pounds and the sum which the Company may from time to time raise by mortgage or debenture stock is hereby restricted to the sum of twenty-three thousand pounds but no part of the said sum of twenty-three thousand pounds shall be borrowed until shares for the said sum of seventy thousand pounds are 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors or administrators successors or assigns and also that such persons or corporations or 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 a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

8 & 9 Vict. c. 16.

Appointment of a receiver.

11. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect

to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision 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 In order to authorise the appointment of a receiver in respect of 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.

Release of portion of deposit.

12. The Chancery Division of the High Court of Justice may at any time after the passing of this Act on the application of the persons or the majority of the persons named in the warrant or order referred to in section 50 of the Act of 1873 or the survivors or survivor of such persons order that the sum of two thousand six hundred pounds being so much of the sum of six thousand one hundred pounds specified in that section as is applicable to that portion of the undertaking by this Act authorised to be abandoned shall be repaid to such persons as aforesaid or to any other persons or person whom they or he may appoint on their behalf.

Change of name.

13. Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 the name of the Company shall from and after the passing of this Act be "the Oldbury Railway Company."

Repeal of power of Canal Company to appoint directors.

14. On and after the passing of this Act so much of sections 44 and 45 of the Act of 1873 as provides for the appointment of directors of the Company by the Canal Company or their committee shall be and is hereby repealed.

Articles 5 and 6 of Arrangement cancelled.

15. On and after the passing of this Act Articles 5 and 6 of the Heads of Arrangement scheduled to the Act of 1873 made between the Promoters of the Bill for that Act and the Canal Company shall be and are hereby cancelled.

Power to Great Western Company to subscribe.

16. The Great Western Company may with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting specially convened for the purpose from time to time subscribe any sum which they think fit towards the undertaking of the Company not exceeding in the whole fifty thousand pounds and the Great Western Company may with the like authority contribute and apply in or towards payment of the

A.D. 1881.

said subscription any moneys which they are already authorised to raise as in this Act after provided and the Great Western Company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company or the Great Western Company may with the like authority guarantee the payment of interest on mortgages or debenture stock and dividends on the capital of the Company of an amount not exceeding that sum or the principal and interest of any loan of equivalent amount which has been or may be raised by the Company under the powers of the recited Acts or this Act Provided always that the Great Western Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Great Western Company may apply surplus moneys to purposes of Act.

17. The Great Western Company may from time to time apply to the purpose of the subscription authorised by this Act to be made by them towards the undertaking of the Company any moneys from time to time raised by the Great Western Company and which are not by any of the Acts relating to that Company made applicable to any special purpose or which being so made applicable are not required for such special purpose and the Great Western Company may from time to time for the purposes aforesaid issue any shares or stocks which under the authority of any Act passed prior to the present session of Parliament they may have created or may hereafter create but which are not or may not be required for the special purposes for which such shares or stocks respectively were authorised to be created.

Votes of Great Western Company at general meetings.

18. The Great Western Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Company and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the Great Western Company and shall be entitled to one vote in respect of every fifty pounds of the capital of the Company held by the Great Western Company.

Power to Great Western Company to appoint directors.

19. If the Great Western Company subscribe towards the undertaking of the Company as aforesaid they may from time to time appoint three directors of the Company and no other qualification than being so appointed shall be requisite for such directors and

such appointment may from time to time be revoked and the person or persons so from time to time appointed shall accordingly be directors of the Company and shall have the same powers and be subject to the same regulations and provisions as the other directors of the Company except as to retiring from office by rotation and voting at general meetings of the Company unless specially appointed for that purpose as in this Act mentioned Provided always that all such revocations and appointments whether of directors or of a person to vote at meetings of the Company as aforesaid shall be testified in writing under the common seal of the Great Western Company and shall be delivered to the directors of the Company and shall be kept with their records and an entry of every such appointment and revocation shall be made in the minutes of their proceedings.

Saving rights of Messrs. Chance Brothers.

20. Nothing in this Act contained shall in any way prejudice diminish alter or take away any provision of the Act of 1878 for the benefit or protection of the lands or estate of Messieurs Chance Brothers and Company or other the owners for the time being mentioned or referred to in section 7 of that Act or any other right privilege power or authority of Messieurs Chance Brothers and Company or other the owners aforesaid or any of them.

Interest not to be paid on calls paid up.

21. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of calls paid in respect of the shares held by him but nothing in this Act shall 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.

22. The Company shall not out of any money by this Act authorised to be raised 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 work or undertaking.

Provision as to general railway Acts.

23. Nothing in this Act contained shall be deemed or construed to exempt the Company or 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 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

A.D. 1881.

or the rates for small parcels authorised to be charged by the Company.

Expenses of Act.

24. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1881.