ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxlv.

An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; to extend the Time for the Completion of the Works, and the Purchase of certain Lands; to authorize Deviations in the Line and Works, and the Construction of certain Branches and Works; and for other Purposes. [30th *June* 1852.]

WHEREAS the *Oxford, Worcester, and Wolverhampton* Railway Company were, by virtue of "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," incorporated, and authorized to construct the said Railway and certain Branches connected therewith, and to raise a Capital of One million five hundred thousand Pounds by Shares, and to borrow on Mortgage the Sum of Five hundred thousand Pounds: And whereas by virtue of "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1846," the Company were authorized to construct certain Extensions or Branches, and to raise the further Sum of Two hundred and twenty thousand Pounds by the Creation of new Shares, and the Sum of

Seventy-three thousand Pounds by Mortgage: And whereas by "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1848," the Company were authorized to raise, for the Completion of their Railways as authorized by the therein recited Acts, the Sum of Seven hundred and fifty thousand Pounds by the Creation of new Shares, and the Sum of Two hundred and fifty thousand Pounds by Mortgage of the Undertaking: And whereas by virtue of "The *Oxford, Worcester, and Wolverhampton* Railway (Deviation) Act, 1848," the Company are authorized to alter the Line of the said Railway, and to construct a Station at *Wolverhampton*, and to raise for the Purposes of that Act the Sum of One hundred thousand Pounds by the Creation of new Shares, whereof Ten thousand Pounds was appropriated to the Station, and the Sum of Thirty-three thousand three hundred and thirty-three Pounds by Mortgage of the Undertaking: And whereas by virtue of "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1850," the Company were authorized to attach a Preference or Priority in Payment of Dividend to the Shares to be created by virtue of the said secondly, thirdly, and fourthly recited Acts: And whereas the Time granted by "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," for the Completion of the Railway, Branches, and Works thereby authorized was extended by a Warrant under the Seal of the Commissioners of Railways, bearing Date the Second Day of *August* One thousand eight hundred and forty-eight, by virtue of the Act, intituled *An Act to give further Time for making certain Railways*, and the Time so limited for the Completion of such Railways, Branches, and Works will expire upon the Fourth Day of *August* One thousand eight hundred and fifty-two, and it is expedient that a further Period should be granted for the Completion of such Railways, Branches, and Works: And whereas the Time granted by "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1846," for the Completion of the Extensions or Branches and Works thereby authorized, was likewise extended by the said Warrant, and the same will expire on the Twenty-seventh Day of *July* One thousand eight hundred and fifty-three, and it is expedient that a further Period should be granted for the Completion of such Extensions or Branches and Works: And whereas the Time limited by the first and fourthly recited Acts for the compulsory Purchase of Lands thereby authorized to be taken has expired, and it is expedient that in respect of certain of the Interests in such Lands defined in the Schedule to this Act annexed the compulsory Powers of Purchase should be revived, and the Time within which the same may be exercised should be extended: And whereas it is expedient to amend and enlarge some of the Provisions of the recited Acts relating to the Capital of the Company, and to increase such Capital, and to fix the Manner of voting in respect of new

new Shares: And whereas it is expedient that a Deviation should be made or maintained in the Main Line of the said Railway in the Parishes of *Dudley* and *Kingswinford*, and that Powers should be given to cross certain Roads upon the Level, and that an Approach should be made from the Town of *Stourbridge* to the intended Station for such Town, and that Branch Railways should be made in the Parish of *Tipton* in the County of *Stafford*, for the Purpose of forming a Junction with the *Birmingham, Wolverhampton, and Stour Valley* Railway, and that the Company should be authorized to agree with the *Birmingham, Wolverhampton, and Stour Valley* Railway Company as to the Use of the Line of such last-mentioned Railway between the Junction at *Tipton* and the *Wolverhampton* Station: And whereas it is also expedient that the *Oxford, Worcester, and Wolverhampton* Railway Company should be able to form a Junction with the *Oxford and Rugby* Line of the *Great Western* Railway Company in the Parish of *Wolvercot* in the County of *Oxford*: And whereas it is expedient that the said recited Acts should be altered, amended, and enlarged; but the several 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 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,)

Recited Acts not to be altered except as expressly enacted.

I. That, except as by this Act expressly enacted, nothing in this Act contained shall extend to alter or repeal the said recited Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway, or any of them.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Oxford, Worcester, and Wolverhampton* Railway (Extensions of Time) Act, 1852."

Extending Time for Purchase of Lands.

III. That the Powers for the compulsory Purchase or taking of Lands granted by the firstly and fourthly recited Acts for the Purpose of making the Railways, Branches, Extensions, and Works by such Acts respectively authorized, according to the Plans and Sections of the same and Books of Reference thereto deposited with the Clerks of the Peace for the Counties in which the same are or will be situated, shall be revived in respect of the Interests in the Lands specified and included in the Schedule to this Act annexed, and the Time limited for the compulsory Purchase of such Interests shall be extended and enlarged until the Expiration of One Year from the passing of this Act,

Act, and after such Day the Powers by the said first and fourthly recited Acts and by this Act granted for the compulsory Purchase of the Lands included in the said Schedule shall cease to be exercised.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

IV. That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands contained in the Schedule to this Act annexed, and which may be taken and used for the Railway Extensions, Branches, or Works, or any of them, authorized to be made by the first and fourthly recited Acts, or which may be injuriously affected by the Construction of such Railway Extensions, Branches, or Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take Lands not to be affected.

V. That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notices given by the said Company before the passing of this Act, for purchasing, taking, or using any Lands comprised in the said Schedule; but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof both at Law and in Equity as if this Act had not been passed.

Period for Completion of Works extended.

VI. That the Time limited by the first and secondly recited Acts for the Completion of the said Railways, Branches, and other Works thereby respectively authorized shall be extended for the Space of Two Years from the passing of this Act, and on the Expiration of such extended Periods the Powers of the said recited Acts and this Act granted to the Company for making such Railways and Branches shall cease to be exercised, except as to so much of such Railways and Branches as shall then be completed.

Recited Acts to be construed as if the extended Periods given by this Act had been originally granted.

VII. That the Powers of the first, secondly, and fourthly recited Acts for the compulsory Purchase of Lands, and for the making and Completion of Works, which are by the Provisions of this Act extended for a further Period of Time, may be exercised by the Company in the same Manner as if such further Periods respectively had been originally granted in the said recited Acts with reference to such compulsory Purchase of Land or Completion of the Works, as the Case may be.

VIII. That

Penalty if a certain Portion of the Railway is not completed.

VIII. That if those Portions of the Railway between *Priestfield* and *Wolverhampton* and between *Wolverhampton* and the Field numbered 13 on the Plans referred to in the *Oxford, Worcester, and Wolverhampton* Railway (Deviation) Act, 1848, be not completed and opened for public Traffic with a double Line of Rails on the mixed Gauge by the First Day of *September* One thousand eight hundred and fifty-three, the Company shall forfeit to Her Majesty the Queen the Sum of Ten thousand Pounds, and also the Sum of Five hundred Pounds for every Day after the said First Day of *September* One thousand eight hundred and fifty-three during which the said Portion of the Railway shall not have been opened for Traffic; and on satisfactory Proof to Her Majesty's Attorney General of the Noncompletion of the said Portion of Railway, as hereby required, the said Penalties and every of them may be recovered from the Company by the said Attorney General, by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, (as the Case may require,) in any Court of competent Jurisdiction.

Power to construct the Works herein named.

IX. That it shall be lawful for the Company to make or maintain the following Deviations in the authorized Lines or Level of the *Oxford, Worcester, and Wolverhampton* Railway, or the Works connected therewith, and the Branch Railways, Approach, and other Works herein-after mentioned; (that is to say,)

A Deviation in the Main Line of the *Oxford, Worcester, and Wolverhampton* Railway commencing in or near the Field numbered 84 in the Parish of *Kingswinford*, and terminating in or near the Property numbered 154 in the Parish of *Dudley* aforesaid, such Deviation to be wholly situate in the said Parishes of *Kingswinford* and *Dudley*:

An Approach or Communication from the Town of *Stourbridge* to the intended *Stourbridge* Station, commencing in or near the Field numbered 17 in the Township of *Stourbridge* and the Parish of *Old Swinford*, and terminating by a Junction with the Turnpike Road from *Hagley* to *Stourbridge*:

A Deviation in the Level of the Public Carriage Roads numbered in the deposited Plans of the Main Line of Railway as herein-after mentioned, so that the Railway may cross such Roads on the Level instead of in the Manner prescribed by "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845;" that is to say, the public Road numbered as 22 in the Parish of *Saint Andrew Droitwich* in the County of *Worcester*, on the deposited Plans of the said *Oxford, Worcester, and Wolverhampton* Railway, and the public Road numbered as 17 in the Parish of *Salwarpe* in the County of *Worcester*:

The Oxford, Worcester, and Wolverhampton Railway (Extensions of Time) Act, 1852.

A Branch Railway diverging from the Main Line of the *Oxford, Worcester, and Wolverhampton* Railway, in the Parish of *Tipton* and County of *Stafford*, and terminating by a Junction with the *Birmingham, Wolverhampton, and Stour Valley* Railway at or near to the Place where the said last-mentioned Railway crosses the Turnpike Road leading from *Bloomfield* to *Dudley*, in the said Parish:

A Branch Railway diverging from the Line of the *Oxford, Worcester, and Wolverhampton* Railway at or near the same Point as the last-mentioned Branch, and terminating also by a Junction with the *Birmingham, Wolverhampton, and Stour Valley* Railway at or near the Bridge where the said last-mentioned Railway crosses the *Birmingham* Canal in the said Parish of *Tipton:*

A Junction or Junctions with the *Oxford and Rugby* Line of the *Great Western* Railway at or near the Points where the Embankments of such respective Lines unite or are intended to unite in the Parish of *Wolvercot* in the County of *Oxford*.

Powers to make Works according to deposited Plans.

X. And whereas Plans and Sections of the Deviations, Branches, Approach, and other Works herein authorized to be made, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in, upon, or through which the same Works are intended to pass or be made have been deposited with the Clerks of the Peace for the Counties of *Worcester*, *Stafford*, and *Oxford:* Be it enacted, That subject to the Provisions in this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to make or maintain the said Deviations, Approach, Branches, Junction, and other Works upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the Lands described upon the said Plans and in the said Books of Reference as may be necessary for such Purposes.

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

XI. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Powers for compulsory Purchase of Lands limited.

XII. That the Powers of the Company for the compulsory Purchase of the Lands described upon such last-mentioned Plans shall not be exercised after the Expiration of One Year from the passing of this Act.

XIII. That

Period for Completion of Works.

XIII. That the said Deviations, Approach, Branches, and Works by this Act authorized to be made and constructed shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act, or by the Acts incorporated herewith, granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Powers as to Line instead of which new Line is made not to be exercised.

XIV. That all the Powers, Authorities, and Privileges by the said firstly-recited Act granted to the Company for the Construction, Maintenance, or Use of the Portions of Railway in the Parishes of *Kingswinford* and *Dudley* in lieu of which the said Deviation is made, shall from and after the passing of this Act cease to be exercised by the Company.

Compensation to be made where Contracts have been entered into, or Notices given.

XV. That in any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway in lieu of which the said Deviation is made, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or pursuant to such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid, to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Confirming Agreement as to Owners.

XVI. And whereas the said Deviation in the Parishes of *Kingswinford* and *Dudley* is made with the Concurrence of the Owners of the Lands on the Deviation hereby authorized, and the Company have accordingly, with the Consent of the Owners and Occupiers of Lands on the said new Line, proceeded with the Construction thereof, and Contracts have been entered into and Conveyances executed to the Company of the Lands required for such new Line, and other Agreements

ments and Proceedings between the Company and such Owners and Occupiers in relation to such Deviation and Lands have been made, entered into, and taken: Be it enacted, That all such Contracts, Conveyances, and other Agreements and Proceedings which have been entered into, made, and taken by and between the Company and such Owners or Occupiers, with respect to the said Deviation or substituted Line, shall have the same Effect as if the same had been the Line authorized by "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," within the said Parishes.

Same Tolls as on Oxford, Worcester, and Wolverhampton Railway.

XVII. That it shall be lawful for the Company to demand and receive for and in respect of the Deviation, Branches, and Works hereby authorized the same Tolls and Charges as they are by "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," authorized to demand and receive for and in respect of the *Oxford, Worcester, and Wolverhampton* Railway.

Maximum Charge.

XVIII. Provided always, That the maximum Tolls and Charges to be levied and received by the Company in respect to the said Deviation, Branches, and Works shall in no Case exceed the maximum Tolls and Charges authorized by the last-mentioned Act.

Certain Roads may be crossed on the Level.

XIX. That it shall be lawful for the Company to cross the following Roads on the Level;

The said Road numbered 22 in the Parish of *Saint Andrew Droitwich* in the County of *Worcester*:

The said Road numbered 17 in the Parish of *Salwarpe* in the County of *Worcester*.

Company to erect Station or Lodge where Roads crossed on the Level, and abide by Rules, &c. of Board of Trade.

XX. 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 before-mentioned Roads shall be crossed on a Level; and the 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 Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to 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 such Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

XXI. Pro-

Board of Trade may require Bridges instead of level Crossings.

XXI. Provided always, That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time either before or after the Works hereby authorized to be made or any of them shall have been completed and opened for public Traffic, to require the Company within such Time as the said Board shall direct, and at the Expense of the Company, to carry any or every of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board the best adapted for removing or diminishing the Danger arising from any such level Crossing.

As to Communication with the Great Western Railway.

XXII. That the Junction with the *Oxford and Rugby* Line of the *Great Western* Railway hereby authorized to be made, and all such Openings in the Ledges or Flanches of the said Line as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Great Western* Railway Company; and if any Dispute shall arise between the Engineers of the respective Companies as to such Junction, the same shall be referred to and settled by the Board of Trade, or an Umpire appointed by them.

Not to take Lands, &c. of Great Western Railway Company without Consent.

XXIII. That nothing in this Act contained shall extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds now belonging to the *Great Western* Railway Company, or to alter, vary, or interfere with the said *Great Western* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said Company in every instance for that Purpose first had and obtained.

Saving the Rights of the Great Western Railway Company.

XXIV. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Great Western* Railway Company.

As to Communication with Birmingham, Wolverhampton, and Stour Valley Railway.

XXV. That all Communications between the Railway hereby authorized and the *Birmingham, Wolverhampton, and Stour Valley* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner most approved from Time to Time, and to the entire Satisfaction of the Engineer for the Time being of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, or of the *London and North-western* Railway Company.

Company not to take Land of Birmingham, Wolverhampton, and Stour Valley Railway Company.

XXVI. That it shall not be lawful for the said *Oxford, Worcester, and Wolverhampton* Railway Company, or for any other Company or any Person in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, or which they may have the Right to purchase, or in any Manner to alter or interfere with the said *Birmingham, Wolverhampton, and Stour Valley* Railway, or of any of the Works appertaining thereto, save only for the Purpose of effecting the Junctions hereby authorized in manner aforesaid.

Saving Rights of Birmingham, Wolverhampton, and Stour Valley Railway Company.

XXVII. That nothing in this Act contained shall prejudice, diminish, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Birmingham, Wolverhampton, and Stour Valley* Railway Company, or the *London and North-western* Railway Company, under or by virtue of any Act of the present or of any former Session, but all their Rights, Privileges, Powers, Franchises, and Authorities under the several Acts of Parliament are hereby expressly saved.

For Protection of the Birmingham Canal.

XXVIII. And whereas the said Railway hereby authorized to be constructed is intended to be carried over the Canal of the Company of Proprietors of the *Birmingham* Canal Navigations, which Company is herein-after referred to as the *Birmingham* Canal Company, called the *Wolverhampton* Level, in the respective Places and in manner herein-after mentioned; namely, by Bridges or Viaducts at Two Points over the said *Wolverhampton* Level, near the *Tipton* Iron Works, in the Parish of *Tipton* in the County of *Stafford*: Be it therefore enacted, That the said Railway Company shall and they are hereby required, at their own Expense, to build in a proper Manner, and to the reasonable Satisfaction of the Engineer for the Time being of the said *Birmingham* Canal Company, 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 is intended to be carried over the same Canals, as shown upon the said Plans so deposited as aforesaid, or within such limited Deviation therefrom as is herein-after authorized, and the clear Opening or Span of the Arch of every such Bridge or Viaduct between the Walls or Abutments thereof shall be of such Width on the Square as shall be equal to and sufficient to clear and leave unobstructed at the Point of crossing the whole navigable Waterway of the Canal, and a Space of not less than Eight Feet wide on each Side thereof for a Towing Path, and every such Bridge or Viaduct shall have close Fences not less than Six Feet high above the Level of the Rails, and the Spring of the Arch or Socket of the Girders shall at each of the aforesaid Points

Points of crossing over the said Canals commence at a Point not being less than Eight Feet above the present Surface of the Towing-path of the said Canals, and the under Side of the Middle of the Arch shall not be less than Ten Feet above the High-water Level of the said Canals.

Railway Company to keep Bridges in repair.

XXIX. That the said Railway Company shall, at all Times for ever after the said several Bridges or Viaducts shall have been completed, keep the same and all future Bridges or Viaducts to be erected or made respectively in lieu thereof, (and which shall be at the same respective Places, in the like respective Directions, and of the like Dimensions, Capacity, and Materials as are herein-before severally mentioned,) together with all Works belonging thereto or connected therewith respectively, in good and complete Repair; and in case of any Want of Repair to any such Bridges or Viaducts, or any Works belonging thereto or connected therewith, and whether such Want of Repair shall arise from the sinking of any such Bridges or Viaducts or any Part thereof respectively, or from any other Cause whatsoever, and Notice in Writing thereof being given by the said *Birmingham* Canal Company to the said Railway Company or their Clerk, then if the said Railway Company shall not, within the Space of Ten Days after such Notice, commence the Repairs, or, as the Case may require, the raising or rebuilding or Reconstruction of the said Bridges or Viaducts which shall be out of repair as aforesaid, or such Part or Parts thereof as it shall for the Time being be requisite to repair, raise, or rebuild or reconstruct, and proceed therein with all reasonable Expedition, until such repairing, raising, or rebuilding or Reconstruction shall be wholly completed, it shall be lawful for the said *Birmingham* Canal Company to make all such Repairs to any such Bridges or Viaducts, and raise or rebuild or reconstruct the same, or such Parts thereof respectively as shall be necessary, in such Manner as they may think proper, and all the Expenses thereof shall be repaid by the said Railway Company to the said *Birmingham* Canal Company; and in default of such Payment, the said *Birmingham* Canal Company may sue for and recover such Expenses as aforesaid against the said Railway Company by Action of Debt or on the Case in any of the Superior Courts: Provided always, that during the Progress of reconstructing any such Bridges or Viaducts, and at all future Times during any Repairs, raising, or rebuilding or Reconstruction thereof, the Engineer for the Time being of the said *Birmingham* Canal Company, with the requisite Assistance of Workmen, shall have free Access to such Bridges or Viaducts, and full Permission to inspect the Workmanship and Materials thereof.

XXX. That

Railway Company not to alter the Course or obstruct the Navigation of the Birmingham Canal.

XXX. That it shall not be lawful for the said Railway Company or any Person in execution of this Act to alter the Course of the said Canals or any of them vested in the said *Birmingham* Canal Company, or to contract the Width of the same or of the Towing-paths thereof, or of any Space reserved or intended as a Towing-path thereof, or to obstruct the Course or Supply of the Water in or to the said Canals or any of them, or in any Manner to impede the Navigation thereof or Access thereto, or to injure any of the Works thereof; and that it shall not be lawful for the said Railway Company (except for the Purpose of crossing the same Canals) to take or interfere with the said Canals or any of the Property of the said *Birmingham* Canal Company, or to make any lateral Deviation from the Course or Direction of the said Railway hereby authorized to be made as delineated on the said Map or Plan so deposited as aforesaid, by which Deviation any of the Wharfs, Warehouses, Buildings, Locks, Side Ponds, Towing-paths, Bridges, Banks, Feeders, or any other Works of the said *Birmingham* Canal Company shall be taken, used, or damaged, without the Consent of the said *Birmingham* Canal Company under their Common Seal first had and obtained.

Penalty on Railway Company if Canal Navigation is obstructed.

XXXI. That if by or by reason or in execution of any of the Works by this Act authorized, or by reason of the Mode of Construction, or by the State of Repair of any of such Bridges or Viaducts, or of any of the Slopes, Banks, or Walls of the said Railway, near the said Canals, or any or either of them, or any other Works by this Act authorized to be constructed, or by any Act or Omission of the said Railway Company, or any or either of their Agents or Servants, it shall happen that any of the said Canals or the Towing-paths thereof, or any or either of them, or the Works connected therewith, shall be so injured or obstructed that Boats or other Vessels using the same shall be impeded in their Passage along the said Canals, or any or either of them, or shall not be able to pass freely along the same, then and in any such Case the said Railway Company shall pay to the said *Birmingham* Canal Company, as or by way of ascertained Damages, the Sum of Five hundred Pounds for every Twenty-four Hours during which any such Impediment shall continue, and so in proportion for any less Period than Twenty-four Hours; and in default of Payment of any such Sum, on Demand made on the said Railway Company, the said *Birmingham* Canal Company may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of the Superior Courts: Provided always, that nothing herein contained shall extend to prevent the said *Birmingham* Canal Company, or any other Company or Person, from recovering against the said Railway Company any special, further, or other Damage that may be sustained by them

them on account of any Act or Default of the said Railway Company in respect of which the said Sum in the Nature of liquidated Damages is hereby imposed or made payable beyond the Amount thereof, and they are hereby authorized to sue for and recover such special, further, and other Damages accordingly.

The Springs, &c. of the Birmingham Canal Companies preserved.

XXXII. That nothing herein contained shall authorize or empower the said Railway Company to take away, obstruct, or lessen any Springs, Brooks, Streams, Feeders, Drains, Waters, or Watercourses which now are or heretofore have been taken for the Use of the said *Birmingham* Canal Navigations, or which the said *Birmingham* Canal Company are by Law authorized and empowered to take for the Use of the said Canals, or any or either of them, or to take away or obstruct or in any Manner impede the free Use of any Communication already made between the Waters of the said Canals, or any of them, and any Steam Engine, or to take away or prejudice the Right of any Person to make such Communication, pursuant to the Provisions of the Acts of Parliament for regulating or otherwise relating to the said *Birmingham* Canal Navigations, or any of them.

Railway Company not to obstruct the Formation of Branches communicating with said Birmingham Canal.

XXXIII. And whereas under and by virtue of the Acts relating to the Canals belonging to the said *Birmingham* Canal Company, or some of them, certain Powers are reserved to the Owners of Mines, Works, and Lands adjoining to the said Canals, or some of them, or for the said Company, at the Request of such Owners, to form Cuts, Canals, Railways, or Roads, not exceeding a certain Length therein specified, in order to communicate with the said Canals: And whereas the Railway by this Act authorized may intervene between the said Canals and some of the Mines, Works, or Lands of Persons to whom such Powers are reserved as aforesaid, and additional Expense would be occasioned by the Construction of Bridges, Viaducts, or Aqueducts for the Purpose of carrying such Cuts, Canals, Railways, or Roads over, under, or across the said Railway: Be it therefore enacted, That in the event of any such Persons being desirous to make or to procure to be made any such Cuts, Canals, Railways, or Roads as aforesaid, to communicate with the said Canals or any of them, the said Railway Company shall afford all requisite and proper Facilities for the Formation thereof where necessary, either over, under, or across or by the Side of the said Railway; and if any Difference shall arise between the said Railway Company and any Person so desirous to make or procure to be made any such Cut, Canal, Railway, or Road as aforesaid, or between the said Railway Company and the said Canal Company, either as to the Mode of carrying the same over, under, across, or by the Side of the said Railway, or as to the Place where the same should be so carried, or as to the Facilities to be afforded by the said

Railway Company, for the Purposes thereof, or as to the Proportion of the Costs of making and maintaining the same to be borne by the said Railway Company, or as to the Use thereof, at any Time thereafter by the Owners, Lessees, or other Persons in the Occupation thereof, such Difference shall be settled by Arbitration.

Communications between Canal and Steam Engines not to be obstructed.

XXXIV. And whereas the said Railway may also intervene between the said Canals, or some of them, and Lands on which Steam Engines may hereafter be erected, between which and the said Canals Communication for the Passage or Supply of Water may require to be made: Be it therefore enacted, That if any such Communications are hereafter so required to be made, the said Railway Company shall afford all requisite Facilities for the Purposes thereof, by constructing or permitting to be constructed, at the Expense of the Party requiring the same, through, under, or over the said Railway, such Culverts, Arches, Pipes, Tunnels, or other Works as may be necessary; and in the event of any Difference arising between the said Railway Company and the said Canal Company, or any other Person, as to the Nature and Amount of the Facilities so to be afforded by them, such Difference shall in like Manner be settled by Arbitration.

Railway Company not to interfere with the Powers and Rights of the Birmingham Canal Company.

XXXV. Provided always, That nothing in this Act contained shall extend to prejudice, diminish, or alter or take away any of the Rights, Privileges, Powers, or Authorities vested in the said *Birmingham* Canal Company, in and by all or any of the several Acts of Parliament now in force relating to the said Canals, except as is expressly enacted by this present Act.

Company may raise additional Capital by Creation of new Shares.

XXXVI. And whereas the estimated Expense of the Branches and Works by this Act authorized, exclusive of the Deviation at *Kingswinford* and *Dudley* is Sixteen thousand Pounds, and the Company will require a further Capital for the Purchase of Engines and Carriages for working the Railway: Be it enacted, That it shall be lawful for the Company to raise for the Purposes aforesaid, by creating new Shares, in addition to the Sums of Money which they are already authorized to raise, any further Sum of Money not exceeding in the whole the Sum of Five hundred thousand Pounds.

New Shares to be considered same as original Shares.

XXXVII. That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares, or

Nonpayment

Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit: Provided always, that One Eighth of a Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and that Three Months at the least shall be the Interval between successive Calls.

Certain Clauses of 8 & 9 Vict. c. 16. to apply to new Capital.

XXXVIII. That the Clauses of the "Companies Clauses Consolidation Act, 1845," with respect to the Conversion of the borrowed Money into Capital, shall be applicable to the additional Capital by this Act authorized to be raised.

As to Votes of Proprietors of new Shares.

XXXIX. And with respect to the Votes of Proprietors of Shares, other than the Thirty thousand Shares of Fifty Pounds each constituting the original Capital of the Company, be it enacted, That the Proprietors of any Shares created by the Company under the Authority of the recited Acts, and this Act, or any of them, shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares of Fifty Pounds each in the *Oxford, Worcester, and Wolverhampton* Railway Company.

Power to borrow on Mortgage.

XL. That after the Sum of Five hundred thousand Pounds by this Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow, on Mortgage or Bond, in manner provided by the recited Acts, a Sum not exceeding in the whole One hundred and sixty-six thousand six hundred and sixty-six Pounds: Provided always, that all and every Part of the Sums of Money so to be raised or borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes of this and the other several Acts relating to the Company.

Existing Mortgages to have Priority.

XLI. That all Mortgages or Bonds granted or made previous to the passing of this Act shall have Priority over the Mortgages and Bonds to be granted or made by the Company after the passing of this Act.

Application of Money raised.

XLII. That the Money to be raised by virtue of this Act shall be applied to the Construction of the Works by this Act authorized, and to the Completion of the Undertaking, and in the Purchase of Engines, Carriages, and Plant for working the Railway.

XLIII. That

Interest not to be paid on Calls paid up.

XLIII. That it shall not be lawful for the said Company out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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 "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XLIV. That it shall not be lawful for the Company, out of any Money by any 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 to execute any other Work or Undertaking.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict., c. 57., and 14 & 15 Vict. c. 64.

XLV. 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 Railways*; and another Act was passed in the Fourth Year of the Reign 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 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 succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and an Act was passed in the last Session of Parliament, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways and Branch Railways from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Branch Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of

XLVI. That nothing herein contained shall be deemed or construed to exempt the said Railways by this or the said recited Acts authorized

authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts. future General Acts.

XLVII. That in this Act whenever the Words "the Company" are used the same shall be held to mean the *Oxford, Worcester, and Wolverhampton* Railway Company. The Term "Company."

XLVIII. That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, shall be paid by the *Oxford, Worcester, and Wolverhampton* Railway Company. Expenses of Act.

The Oxford, Worcester, and Wolverhampton Railway (Extensions of Time) Act, 1852.

SCHEDULE to which the foregoing Act refers.

PART I.

Containing Numbers of the Property included in the Plans referred to in "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," in respect of which an Extension of Time for compulsory Purchase is sought, so far as regards the Interests of the Owners or reputed Owners, Lessees or reputed Lessees in the following Parishes:

Parish of Hagley, 96.

Parish of Sedgley, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 69, 70, 78, 80, 82, 85, 86, 90, 91, 93, 94, 95, 96, 97, 99, 100, 103, 104, 106, 107, 108.

Township of Stourbridge, 11, 13, 14, 15, 17, 19, 20.

Parish of Kingswinford, 27, 28, 30, 31, 32, 33, 34, 35, 38, 39, 41, 44, 46, 47, 51, 52, 53, 54, 56, 57, 60, 61, 62, 65, 69, 71, 72, 73, 76, 82, 83, 85, 86, 87, 92, 115, 122, 129, 131, 133, 159, 161, 162, 164. Branch, 197, 201, 202, 203, 213, 215, 216, 217, 221.

Parish of Dudley, 7, 8, 10, 11, 17, 61, 76, 131, 134, 138, 140, 141, 142, 144, 147, 161, 189.

Parish of Tipton, 6, 7, 13, 26, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 64, 67, 68, 69, 70, 71, 72.

Parish of Wolverhampton, 64, 65, 67, 70.

Township or Parish of Bilston, 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 50, 57, 58, 60, 61, 66, 67, 70, 72, 73, 74, 74 A, 75, 76, 78, 80, 81, 82, 83, 84, 87, 88, 90, 96.

PART II.

Containing Numbers of the Property included in the Plans referred to in "The Oxford, Worcester, and Wolverhampton Railway Extension Act, 1848," in respect of which an Extension of Time for compulsory Purchase is granted by this Act.

Parish of Wolverhampton, in respect of the Interests of the Owners or reputed Owners, and Lessees or reputed Lessees, in the Properties represented by the following Numbers:

1, 2, 6, 7, 8, 9, 10, 12, 13, 17, 19, 20, 21, 22, 24, 25, 26, 27*a*, 28, 29, 30, 31, 32, 33, 34, 42, 43, 53, 54, 57, 67, 68, 69, 70, 71, 72, 79, 80, 81, 82, 87, 88, 89, 89 A, 90, 91, 92, 93, 94, 95, 95 A, 97, 98, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 125 A, 126, 127, 128, 129, 130, 132, 133, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 146 A, 146 B, 146 C, 146 D, 147, 148, 151, 152, 153, 153 A, 153 B, 154, 155, 157, 158, 159, 160, 161, 161 A, 162, 163, 165, 166, 167, 168, 172, 173, 174, 175, 176, 177, 178, 179, 182, 184, 187, 188, 189, 190, 191, 192, 193, 194, 194 A, 195, 196, 198, 199.

Parish of Bushbury, in respect of the Interests of the Owners or reputed Owners, Lessees or reputed Lessees, in the Property represented by the Numbers:

2, 3, 5, 7, 8, 9, 12, 13, 14, 15, 16.

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