CHAPTER lxii.

An Act for extending the time for the completion of the Poole and Bournemouth Railway, and for other purposes. A.D. 1872.

[27th June 1872.]

WHEREAS by "The Poole and Bournemouth Railway Act, 1865," (in this Act called "the Act of 1865,") the Poole and Bournemouth Railway Company (in this Act called "the Company") were incorporated, and (section 14) were authorised to raise a capital of ninety thousand pounds in nine thousand shares of ten pounds each, and (section 20) to borrow on mortgage not exceeding thirty thousand pounds, and to make and maintain the Poole and Bournemouth Railway, consisting of three lines of railway, numbered respectively one, two, and three: 28 & 29 Vict. c. xix.

And whereas by the "South-western Railway (Poole and Bournemouth Junction) Act, 1866," (in this Act called "the Act of 1866,") it was (section 26) provided, that the Company should abandon the construction of the railway No. 1, and of certain portions of railway No. 2 and railway No. 3 respectively authorised by the Act of 1865, and (section 29) the capital of the Company was reduced from the sum of ninety thousand pounds to the sum of sixty thousand pounds, and (section 31) the sum which the Company might from time to time borrow on mortgage was reduced from the sum of thirty thousand pounds to the sum of twenty thousand pounds: 29 & 30 Vict. c. ccxvii.

And whereas by the "Poole and Bournemouth Railway Act, 1870," (in this Act called "the Act of 1870,") the period limited by the Act of 1865 for the completion of the railways by that Act authorised (except the portions thereof required to be abandoned by the Act of 1866) was extended: 33 & 34 Vict. c. clxiv.

And whereas the Company have proceeded with the construction of their railways, and a considerable portion of the works thereof have been executed:

And whereas it is expedient that the powers granted to the Company by the Act of 1865 for the compulsory purchase of the

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lands in that behalf in this Act specified be revived and extended, and that the periods limited by the Act of 1865 and the Act of 1870 respectively for the completion of the Company's railway as now authorised be revived and extended:

And whereas the objects of this Act cannot be attained 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 for all purposes as "The Poole and Bournemouth Railway Act, 1872."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and Part II. (relating to extension of time) of "The Railways 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; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in 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 common simple contract debt, and not a debt or demand created by statute.

Revival of powers for compulsory purchase of certain lands.

4. The powers by the Act of 1865 granted to the Company for the compulsory purchase of the lands numbered respectively 260, 264, 281, 288, 300, 305, 307, 309, 310, 318, 322, 325, 328, in the tything of Parkstone, Canford Magna, in the county of the town of Poole; 330, 331, 331A, 336, in the tything of Hinson, Great Canford, in the county of Dorset; 337, 338, 339, in the parish of Christchurch Twyneham; 340A, 343, 345, 346, 347, in the parish of Holdenhurst in the county of Southampton, on the plans referred to in that Act, are by this Act revived and extended, and may be exercised before, but shall not be exercised after, the thirty-first day of December 1872.

Extension of time for completion of works.

5. The period limited by the Act of 1865, and extended by the Act of 1870, for the completion of the railways by the Act of 1865 authorised, (except the portions of those railways required to be abandoned by the Act of 1866,) is by this Act revived and extended,

and those railways (except as aforesaid) may and shall be completed on or before the thirty-first day of December 1872, and on the expiration of that period the powers by the Act of 1865 and the Act of 1870 and this Act granted to the Company for executing those railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. A.D. 1872.

Provision with respect to rebate, &c. from Somerset and Dorset Railway Company.

6. Whereas by the "Somerset and Dorset Railway Extension to the Midland Railway at Bath Act, 1871," (herein-after called the Act of 1871), the Company and the Somerset and Dorset Railway Company (herein-after called the Somerset Company) were authorised from time to time to enter into and carry into effect contracts, agreements, and arrangements with respect to—

The division and appropriation between the contracting companies of the receipts on the railways of the Somerset Company arising from traffic coming from or destined for the undertaking of the Company;

The sums or considerations, whether annual or in gross, and the payments, allowances, rebates, and drawbacks, to be paid, made, or allowed by the Somerset Company to the Company for or on account of the respective contract, agreement, or arrangement:

Be it therefore enacted, that all sums or considerations, and all payments, allowances, rebates, and drawbacks, which may be paid, made, or allowed by the Somerset Company to the Company, under or by virtue of any agreement between the Somerset Company and the Company entered into in pursuance of the provisions of the Act of 1871, may and shall be retained by the Company for their own use and benefit, discharged from all liabilities and obligations whatsoever, any agreement or arrangement between the Company and the London and South-western Railway Company, or any other Company, to the contrary notwithstanding: Provided always, that no such contract, agreement, or arrangement between the Company and the Somerset Company shall affect the London and South-western Railway Company's receipts or proportion of receipts for traffic either in respect of their own railways or the railway of the Company, but all such sums or considerations, payments, allowances, rebates, and drawbacks, shall be made only out of the Somerset Company's own proper receipts or proportion of receipts for such traffic.

Saving rights of Company.

7. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, powers, privileges, or authorities of the Company, or the London and South-western Railway Company.

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Interest not to be paid out of capital.

8. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided always, 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 Company's capital.

9. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay or deposit any sum of money 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 other railway, or to execute any other work or undertaking.

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

10. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels by the Acts relating to the Company authorised.

Expenses of Act.

11. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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