

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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western Railway Company for a Term of Nine hundred and ninety-nine Years: And whereas the making of a Branch Railway from the said *Southampton and Dorchester* Railway to the Town of *Weymouth* would be of great public Advantage, and the said *Southampton and Dorchester* Railway Company are willing, at their own Expence, to carry such Undertaking into execution: And whereas it is expedient that Powers of subscribing towards and leasing the said proposed Branch Railway to *Weymouth* should be granted to the *London and South-western* Railway Company: And whereas 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,

8 & 9 Vict. c. 93. extended to this Act.

That all Provisions contained in the said *Southampton and Dorchester* Railway Act, 1845, and in the Acts incorporated therewith, or any of them, so far as the same are now unrepealed, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, shall extend to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same several Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes and Things.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Southampton and Dorchester* Railway (*Weymouth* Branch) Act, 1847."

Capital.

III. And whereas the estimated Expence of making the Railway by this Act authorized is One hundred and eighty thousand Pounds; be it enacted, That it shall be lawful for the said *Southampton and Dorchester* Railway Company to raise by the Issue of new Shares in the Undertaking of the Company, of such Amount, and respectively in such Classes, on such Terms, with such Conditions, whether the Dividends thereon shall be fixed or rateable, and otherwise with such Privileges and subject to such Restrictions as the Company shall think fit, the further Sum of One hundred and eighty thousand Pounds: Provided always, that the nominal Amount of any such Share shall be such a Sum not exceeding Fifty Pounds as the Directors of the Company shall determine.

Directors to determine the Number and nominal Amount of Shares.

IV. And be it enacted, That the Directors of the Company shall and they are hereby required, within Six Calendar Months after the passing of this Act, to fix and determine the Number of such Shares, and the nominal Amount of each of them, and the Classes, if any, into which such Shares shall be divided; and thereupon the said several Shares shall be duly numbered in regular Order of arithmetical Progression, and every such Share shall always be distinguished by the Number originally applied to the same; and the said Sum hereby authorized to be raised shall be exclusive of and in addition to any Sum or Sums which the Company may by any other Act or

Acts passed in this present Session of Parliament be authorized to raise.

As to voting in respect of new Shares.

V. Provided also, and be it enacted, That no Proprietor of any new Share issued under the Authority of this Act the nominal Amount whereof shall be fixed at less than Fifty Pounds shall be entitled to vote in respect of the Number of new Shares held by him, but for the Purpose of voting the Amount of Capital in the Company represented by all such new Shares held by him shall be considered as divided into as many Fifty Pound Shares as such Amount of Capital will admit of, and the Right of voting of such Proprietor in respect of such new Shares of less nominal Amount than Fifty Pounds each shall be determined by the Number of Fifty Pounds Shares into which the Amount of Capital represented by such new Shares held by him shall be capable of being divided.

Power to make Calls on new Shares.

VI. And be it enacted, That, subject to the Provisions of this Act, the Directors of the said Company shall have Power from Time to Time, and at any Time or Times after the passing of this Act, to make, at their Discretion, such Call or Calls of Money from the Subscribers to and Proprietors of the said new Shares by this Act authorized to be created, as the said Directors shall from Time to Time find necessary for the Purposes of the said Company, so that no such Call shall exceed Ten *per Cent.* of the total nominal Value of each new Share, and so that there shall be an Interval of Three Calendar Months at least between the Days of making every Two successive Calls.

Notice to be given when Call made.

VII. And be it enacted, That the several Sums of Money so to be called for shall be paid into such Banks, or to such Persons, and subject to the Restrictions herein contained, at such Time and Place and in such Manner as the said Directors shall from Time to Time direct and appoint, of which Time and Place Twenty-one Days Notice at the least shall be previously given by Advertisement under the Hand of the Secretary of the said Company, inserted in Two or more of the daily *London* Newspapers, and in One or more Newspaper or Newspapers circulated in each of the Counties of *Southampton* and *Dorset;* and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said recited *Southampton and Dorchester* Railway Act, 1845, and the Acts incorporated therewith, or any of them, for compelling the Payment of Calls, and for forfeiting the Shares of such Proprietors as shall be in default, and for Payment of Subscriptions in advance, in case the said Directors shall think proper to accept the same, shall extend and be applicable to the said new Shares by this Act authorized to be created, as fully and effectually, to all Intents and Purposes, as if the same had been repeated and re-enacted in this Act in respect of the said new Shares hereby authorized to be created: Provided always, that no Proprietor or Owner of any new Shares hereby authorized to be created shall in any Case be liable to pay any greater Sum in the whole than the total nominal Amount at which each such new Share shall be fixed and determined by the said Directors in pursuance of the Power herein contained.

VIII. And

Power to borrow additional Money to the Extent of 63,000*l.*

VIII. And be it enacted, That it shall be lawful for the said Company, when and so soon as the total Amount of the Capital of the Company authorized by the said recited Act and this Act to be raised by Subscription shall have been subscribed for, and One Half thereof actually paid up, by an Order of any General or Special General Meeting of the Company from Time to Time to borrow and take up at Interest any further or additional Sum of Money, not exceeding (besides and exclusive of the Sums of Money authorized to be borrowed by the said recited *Southampton and Dorchester* Railway Act, 1845, and exclusive of and in addition to any Sum or Sums which the said Company may be authorized to borrow by any other Act or Acts in this present Session of Parliament,) the Sum of Sixty thousand Pounds, on the Credit of the said *Southampton and Dorchester* Railway, including the Branches thereof, as to them shall seem proper, and thereupon to secure the Repayment thereof, with Interest, to such Persons as shall be found willing to lend the same, by such Mortgages, Assignments, or Bonds as are authorized by the said *Southampton and Dorchester* Railway Act, 1845, and the Acts incorporated therewith, or some of them, in respect of the Sums thereby authorized to be borrowed.

Mortgages, &c. to be stamped.

IX. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein and in the said Acts contained to the contrary notwithstanding.

Former Mortgages to have Priority.

X. Provided always, and be it enacted, That all Mortgages or Bonds which may have been already created under the Powers of the said recited Act shall during the Continuance thereof have Priority over any Mortgages or Bonds to be executed by virtue of this Act.

Interest not to be paid on Calls paid up.

XI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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.

XII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act, or any other 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

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 execute any other Work or Undertaking.

Power to make Railway according to deposited Plans.

XIII. And whereas a Plan and Section of the said intended Railway showing the Line and Level thereof, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, has been deposited with the Clerk of the Peace for the County of *Dorset;* be it enacted, That, subject to the Provisions in this and the said first-recited Act, and the Acts incorporated therewith, contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined upon the said Section, with such Powers of Deviation as are mentioned in the Railway Clauses Consolidation Act, 1845, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose; and the said Railway and Works, when completed, shall form Part of the Line of the *Southampton and Dorchester* Railway.

Lines of Railway.

XIV. And be it enacted, That the said Branch Railway shall commence by a Junction with the Line of the *Southampton and Dorchester* Railway in the Parish of *Moreton* in the said County of *Dorset*, and shall terminate in the Parish of *Melcombe Regis* in the same County, and also by a separate Junction with the Line of the *Wilts, Somerset, and Weymouth* Railway as at present authorized to be made in the said Parish of *Melcombe Regis*.

As to crossing certain Roads on the Level.

XV. And be it enacted, That it shall be lawful for the said Company to carry the said Branch Railway across and on the Level of the several public Carriage Roads numbered on the said Plan deposited as aforesaid as follows:

In the Parish of *Melcombe Regis* in the County of *Dorset*, the Roads numbered respectively 8 and 54:

In the Parish of *Preston* in the same County, the Road numbered 40:

In the Parish of *Warmwell* in the same County, the Road numbered 39:

In the Parish of *Owre Moyne* in the same County, the Road numbered 14.

Company to erect a Station or Lodge at Points of crossing, and to abide by the Regulations of the Commissioners of Railways.

XVI. And be it enacted, 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 said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing 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 Commissioners of Railways;

ways; and if the said 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 Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Inclination of certain Roads.

XVII. And be it enacted, That, except as herein-after mentioned, in erecting any Bridge for the Purpose of carrying the Branch Railway over any public Carriage Road, or for the Purpose of carrying any public Carriage Road over the Branch Railway, the Ascent or Descent of the Road (as the Case may be) over or under the said Branch Railway shall not be more than according to the Rate of One Foot in Thirty Feet.

Regulating the Inclination of a certain Road.

XVIII. And be it enacted, That in carrying the following Road, numbered as herein-after mentioned on the Plans deposited as aforesaid, over, under, or across the Railway, it shall be lawful for the Company to make the Inclination of the said Road such as or not steeper than that herein-after mentioned; that is to say,

No. on Plan.	Parish.	Description in Reference.	Proposed Inclination.
66	Preston - -	Parish Road - -	1 in 17 and 1 in 21.

Lands for extraordinary Purposes.

XIX. And be it enacted, That the Quantity of Land to be taken by the said Company for extraordinary Purposes in connexion with the said intended Railway and Works hereby authorized to be made shall not exceed Twenty Acres.

Limiting Period for compulsory Purchase of Lands.

XX. And be it enacted, That the Powers of the said Company for the compulsory 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.

Period for Completion of Works.

XXI. And be it enacted, That the said Branch Railway and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the said Company for executing the said Branch Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to such of the said Railway and Works as shall then be completed.

Company to take same Tolls as on Southamp-

XXII. And be it enacted, That so long as the *Southampton and Dorchester* Railway Company shall continue in possession of the Railway and Works by this Act authorized it shall be lawful for such Company,

Company, subject to the Provisions in the said recited Act contained, to demand and receive, in respect of the said Railway and Works, for the Tonnage of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of locomotive Engines or other Power for drawing or propelling supplied by the Company, and for the Conveyance upon the same Railways or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, and for Wharfage, warehousing, and Craneage, such Amount of Rates, Tolls, and other Charges as by the said recited Act the Company are authorized to demand and receive in respect of the same several Matters and Things, Privileges and Duties, respectively, on or in respect of the Main Line of the said *Southampton and Dorchester* Railway, or the Works connected therewith, or any Part thereof. ton and Dorchester Railway.

XXIII. Provided always, and be it enacted, That the maximum Charges to be made by the last-mentioned Company in respect of all the Tolls and Charges for the Use of the Railways hereby authorized to be made, and of Carriages, Waggons, or Trucks, and for locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading of Goods, where such Service is performed by the Company), shall not exceed the Sums in that Behalf limited by "The *Southampton and Dorchester* Railway Act, 1845;" provided that the said maximum Charges shall not extend to Articles, Matters, or Things, Passengers, Beasts, Cattle, and Animals, conveyed by or in any Express or Special Train; and that in all Cases where any such Articles, Matters, or Things, Passengers, Beasts, Cattle, and Animals, shall be conveyed on the Railway for a less Distance than Six Miles, the Company may demand and receive the beforementioned maximum Charges for Six Miles. Maximum Charges.

XXIV. And whereas by the said *London and South-western* Railway Company's Amendment Act, 1845, the *London and South-western* Railway Company are authorized to subscribe towards and to become Shareholders in the Undertaking by the said first-recited Act authorized; be it enacted, That it shall be lawful for the said *London and South-western* Railway Company in like Manner to subscribe towards and become Shareholders in the additional Capital hereby authorized to be raised, to any Amount not exceeding One hundred and fifty-two thousand Pounds, exclusive of and in addition to the Amount which they are already authorized to subscribe towards the same, or which they may be so authorized to subscribe by any Act or Acts which may be passed in this present Session of Parliament. Power for the London and South-western Railway Company to subscribe;

XXV. And be it enacted, That for such Purpose it shall be lawful for the said *London and South-western* Railway Company to apply all or any Part of the Monies which they are already authorized to take up by Subscription or borrowing, or which by the passing of any and for that Purpose to raise the requisite Funds.

any Act or Acts during the present Session of Parliament they shall be so authorized to take up, or else to raise all or any Part of the Money authorized to be subscribed by them as aforesaid by the Creation of new Shares or Stock in their Undertaking, for such Amount and according to such Terms and Conditions as may have been determined upon, or as may hereafter be determined upon by such Company at any General Meeting of the Proprietors thereof specially convened for the Purpose; or it shall be lawful for the same Company, if they shall think fit, with the Consent of a General Meeting of the Proprietors thereof especially convened for the Purpose, to raise the Sums agreed to be subscribed by them, or any Portion thereof, by Mortgage of their Undertaking, in like Manner and under and subject to the same Provisions as the same Company by all or any of the Acts relating to their Undertaking is authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the said Company shall not by such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital in Shares.

Interest not to be paid on Calls paid up.

XXVI. And be it enacted, That it shall not be lawful for the said *London and South-western* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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.

Power to lease the Branch Railway to the London and South-western Railway Company.

XXVII. And be it enacted, That it shall be lawful for the said *Southampton and Dorchester* Railway Company, with the Authority and Approbation of a Majority in Value of the Proprietors (exclusive of the said *London and South-western* Railway Company) present either personally or by Proxy at some Extraordinary General Meeting of the said Company especially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions, as they shall think proper, the said Branch Railway and Works hereby authorized to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto the said *London and South-western* Railway Company, for any Term which shall be agreed upon; and the said *London and South-western* Railway Company are hereby authorized, if they think proper, with the like Authority and Approbation on the Part of their Proprietors, to enter into and accept any such Lease; and such Lease shall entitle the Lessees to the free Use and Enjoyment of the said Branch Railway, and the Works connected therewith, or such Share or Interest therein, or such Portion or Portions

tions thereof as may be included in such Lease; and during the Continuance of any such Lease all the Powers, Privileges, and Authorities granted to, or which are or might be held, used, exercised, and enjoyed by the said *Southampton and Dorchester* Railway Company, or their Officers, Agents, or Servants, under or by virtue of this or the said first-recited Act, shall, in like Manner, and to the same Extent in all respects, apply to, and be held, used, exercised, and enjoyed by the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by this Act or the said first-recited Acts.

Power to enter into Contracts with the London and South-western Railway Company.

XXVIII. And be it enacted, That it shall be lawful for the said *Southampton and Dorchester* Railway Company and for the said *London and South-western* Railway Company to make and enter into Contracts or Agreements for effecting the Purposes aforesaid, and for constructing, working, and using the said Branch Railway, or any Part or Parts thereof respectively, or for the Maintenance and Repair hereof, or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed upon between the said Companies.

Power of Lease not to be exercised without Certificate of Commissioners of Railways.

XXIX. Provided always, and be it enacted, That it shall not be lawful for the said *Southampton and Dorchester* Railway Company, by virtue of the Power herein-before contained, to demise or lease, nor for the said *London and South-western* Railway Company to enter into or accept such Lease of the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

In case the Railway shall be rented by the London and South-western Railway, Tolls to be the same as on the South-western Railway.

XXX. Provided always, and be it enacted, That in case the Branch Railway and Works hereby authorized to be made shall be so leased to the said *London and South-western* Railway Company, the said last-mentioned Company shall and may during the Continuance of any such Lease lawfully demand and receive, in respect of the Branch Railway and Works hereby authorized to be made, for the Tonnage of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of locomotive Engines or other Power for drawing or propelling supplied by the said Company, and for the Conveyance upon the same Branch Railway, or any Part thereof respectively, in Waggons or Carriages belonging to the said Company, of any Carriages, Cattle or other Animals, Goods, Wares, Merchandizes, Articles, Matters, and Things, for Wharfage and warehousing and Carriage, such Amount

of Rates, Tolls, and other Charges as by the several Acts relating to the *London and South-western* Railway the said Company are authorized to demand and receive in respect of the same several Matters and Things, Privileges and Duties respectively, on and in respect of the Main Line of the said *London and South-western* Railway Company, or the Works connected therewith, or any Part thereof.

Maximum Charges.

XXXI. Provided always, and be it enacted, That the maximum Charges to be made by the said *London and South-western* Railway Company in respect of all the Tolls and Charges for the Use of the Branch Railway hereby authorized to be made, and of Carriages, Waggons, or Trucks, and for locomotive Power, and of every Expence incidental to such Conveyance (except the loading and unloading of Goods, where such Service is performed by the said Company), shall not exceed the Sums in that Behalf limited by the "*London and South-western* Railway Company's Amendment Act, 1846;" and the said maximum Charges shall not extend to Articles, Matters, or Things, Beasts, Cattle, and Animals, conveyed by or in any Express or Special Train; and that in all Cases where any such Articles, Matters, or Things, Passengers, Beasts, Cattle, and Animals, shall be conveyed on the Railway for a less Distance than Six Miles, the said Company may demand and receive the before-mentioned maximum Charges for Six Miles.

Railway 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., and 9 & 10 Vict. cc. 57. & 105.

XXXII. 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 Railway;* 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 Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railway by this Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company as far as the same shall be applicable thereto.

Railway to be subject to Provisions of any general Act.

XXXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which hereafter may pass during the present or any future Session of Parliament, or from any future Revision or

Alteration,

Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

XXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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