



CHAPTER cxlviii.

An Act to authorise the Bridport Railway Company to make a new railway ; and for other purposes. [21st July 1879.] A.D. 1879.

WHEREAS by the Bridport Railway Act, 1855, (in this Act called "the Act of 1855,") the Bridport Railway Company (in this Act called "the Company") were incorporated and authorised to construct a railway in the county of Dorset, from the town of Bridport, to form a junction with the Great Western Railway in the parish of Maiden Newton, and for that purpose to raise a share capital of sixty-five thousand pounds, and to borrow twenty-one thousand six hundred pounds : 18 & 19, Vict.
c. xi.

And whereas by the Bridport Railway Act, 1859, the Company were authorised to raise an additional capital of twenty thousand pounds in preference shares, and an agreement for the lease of the undertaking of the Company to the Great Western Railway Company for twenty-one years from the first day of July one thousand eight hundred and fifty-eight was scheduled and confirmed : 22 & 23 Vict.
c. cxx.

And whereas the said railway has long since been opened for public traffic :

And whereas the construction by the Company of the railway and works herein-after described will be of public and local advantage, and it is expedient that the Company be authorised to construct the same :

And whereas it is expedient that the Company be authorised to use certain portions of the undertaking of the Great Western Railway Company :

And whereas it is expedient that provision be made for the lease of the existing and proposed undertakings of the Company to the Great Western Railway Company :

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

And whereas the Company have not created or issued debenture stock :

A.D. 1879. And whereas the objects aforesaid cannot be accomplished without the authority of Parliament :

And whereas plans and sections describing the lines, situations, and levels of the railway authorised by this Act, and also a book of reference to those plans, containing the names of the owners and lessees, or reputed owners and lessees, and the occupiers of lands required for or which may be taken under the powers of this Act, have been deposited with the clerk of the peace for the county of Dorset (and are in this Act respectively referred to as the deposited plans, sections, and book of reference) :

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 *Bridport Railway Act, 1879*.
- Incorporation of general Acts. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :
8 & 9 Vict. The Railways Clauses Consolidation Act, 1845 :
c. 18. Part I. (relating to the construction of a railway),
23 & 24 Vict. Part II. (relating to working agreements) of the Railways
c. 106. Clauses Act, 1863, as amended by the Regulation of Railways
32 & 33 Vict. Act, 1873 :
c. 18. The clauses and provisions of the Companies Clauses Consolida-
8 & 9 Vict. tion Act, 1845, with respect to—
c. 20. The distribution of the capital of the Company into shares ;
26 & 27 Vict. The transfer or transmission of shares ;
c. 92. The payment of subscriptions and means of enforcing the
36 & 37 Vict. payment of calls ;
c. 73. The forfeiture of shares for nonpayment of calls ;
8 & 9 Vict. The remedies of creditors of the Company against the
c. 16. shareholders ;
The borrowing of money by the Company on mortgage
or bond ;
The conversion of the borrowed money into capital ;
The consolidation of shares into stock ;
The general meetings of the Company, and the exercise of
the right of voting by the shareholders ;
The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to the special
Act by all parties interested :
- 26 & 27 Vict. And also Parts I., II., and III. of the Companies Clauses Act,
c. 118. 1863, relating respectively to the cancellation and surrender of
shares, to additional capital, and to debenture stock,—

so far as the same are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act, are incorporated with and form part of this Act. A.D. 1879.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. Interpretation of terms.

“The Great Western Company” means the Great Western Railway Company.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. Power to execute works.

The railway herein-before referred to and authorised by this Act is the following; (namely,)

Railway Number 1 (two miles one furlong in length), wholly situate in the county of Dorset, commencing in the parish of Bradpole, in the county of Dorset, by a junction with the Bridport Railway, and terminating near to the Neptune Inn at Bridport Harbour.

5. Subject to the provisions of this Act, the railway shall for the purposes of toll and for all other purposes whatsoever be deemed part of the Bridport Railway and of the undertaking of the Company. Railway to form part of Bridport Railway.

6. Subject to the provisions in the railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,) Power to cross a certain road on the level.

Number on deposited Plan.	Parish.	Description of Road.
30	Bradpole	Dis-turnpiked road.
1	Walditch	
2	Bridport	

A.D. 1879.

Width of a certain roadway.

7. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
30	Bothenhampton	- Dis-turnpiked road	25 feet.

Power to deviate.

8. The Company in constructing the railway may deviate from the centre lines of the works shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively.

Land for extraordinary purposes.

9. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed five acres.

Period for compulsory purchase of lands.

10. The powers of the 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.

Owners may be required to sell parts only of certain lands and buildings.

11. And whereas in the exercise of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans may be sufficient for the purposes of the same, and such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the Schedule to this Act, and whereof parts only are required for the purposes of the Company, may, if such portions can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the premises so required, without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other parties interested therein, by severance or otherwise: Provided that this enactment shall not apply to the properties numbered on the deposited plans 21 and 24 in the parish of Bothenhampton if

the Company shall take, in the case of the property numbered 21, any part thereof more than 35 feet eastwards from the centre line of the railway as shown on those plans, or, in the case of the property numbered 24 in the same parish, any part thereof more than 35 feet westwards from the said centre line. A.D. 1879.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege (not being an easement of water), required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

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

14. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand and eighty-four pounds, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the Deposit fund not to be repaid except so far as railway is opened.

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— railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

15. If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same, and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Power to
raise addi-
tional capital.

16. The Company from time to time may, subject to the provisions of this Act, for the purposes of this Act and for the

general purposes of their undertaking, raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding forty-two thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament; and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

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

Shares not to be issued until one-fifth part thereof shall have been paid up.

18. Subject to the provisions of this Act, the additional capital created under this Act shall form part of the capital of the Company authorised by the recited Acts.

New capital to form part of capital under recited Acts.

19. The Company may from time to time borrow on mortgage additional sums, not exceeding in the whole fourteen thousand pounds, in respect of the additional capital of forty-two thousand pounds by this Act authorised to be raised, provided that in respect of each twenty-one thousand pounds of such additional capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole seven thousand pounds. But no part of either of the before-mentioned sums of seven thousand pounds shall be borrowed until shares for so much of the portion of the additional capital in respect of which the borrowing power is exercised as is to be raised by means of shares are issued and accepted, and one half of such capital 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 portion of additional capital have been issued and accepted, and that one half of such portion has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said portion of additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, 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, administrators, successors, or assigns, and also, if the

Power to borrow on mortgage.

A.D. 1879. — said capital is raised by shares, 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.

Former mortgages and bonds to have priority.

20. All mortgages granted by the Company in pursuance of the powers of any Act before the passing of this Act, and subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, but subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to apply corporate funds to purposes of Act.

21. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of either of the recited Acts relating to the Company, and which may not be required for the purposes of those Acts.

Debenture stock.

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

Power to use portions of the Great Western Railway.

23. If at any time after the passing of this Act the Company shall, by writing under their common seal, require the Great Western Railway Company to provide and lay down, upon the portion of their railway between the junction therewith of the Bridport Railway at or near Maiden Newton and the station of the Great Western Railway Company at or near Dorchester, an extra line of railway, and all necessary works and conveniences, so as to convert the said portion of railway from a single to a double line, and shall deposit by way of security, in a bank to be agreed upon between them and the Great Western Railway Company, in the names of the secretaries of the said Companies respectively, the estimated amount of the cost of the said extra line of railway, works, and conveniences, such estimated cost to be ascertained, in case of difference, by an arbitrator to be agreed upon or appointed

by the Board of Trade on the application of either the Company or the Great Western Railway Company, the Great Western Railway Company shall with all reasonable despatch provide and lay down such extra line of railway, and complete the same for use for passenger and goods traffic, to the satisfaction of the Board of Trade, with all requisite junctions and other necessary works and conveniences, so as to permit of the exercise of the running powers herein-after given over the said portion of railway so doubled, and the costs, charges, and expenses reasonably incurred by the Great Western Railway Company in so providing and laying the said extra line of railway, junctions, works, and conveniences, shall be borne and paid by the Company; and the Company shall from time to time pay to the Great Western Railway Company, on the certificate of their engineer, as the works progress, out of such sum so deposited, or out of any other moneys belonging to them, the costs, charges, and expenses of and incidental to such extra line of railway, and the junctions, works, and conveniences connected therewith or rendered necessary thereby, incurred up to the time of such certificates respectively being given; provided that if any difference arise between the Company and the Great Western Railway Company as to the reasonableness of such costs, charges, and expenses, such difference shall be determined by an arbitrator to be appointed by the Board of Trade as aforesaid; and upon such completion the Company may pass over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description,—

So much and such portion of the Great Western Railway as is situate and lies between the junction therewith of the Bridport Railway at or near Maiden Newton and the station of the Great Western Company at or near Dorchester, including the passenger and goods stations of the Great Western Company at Maiden Newton and Dorchester respectively, together with all ways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said portion of railway, and the Great Western Company shall make all requisite arrangements accordingly.

24. The terms, conditions, and regulations to which the Company shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between them and the Great Western Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade upon the application of either of the parties;

Terms of such use

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and the arbitrator, in determining the said terms and conditions, shall take into consideration all the circumstances of the case, and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of the arbitration shall be defrayed as the arbitrator shall direct; and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other Company, as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

For protect-
ing local
traffic.

25. In exercising the powers herein-before granted, it shall not be lawful for the Company, unless with the consent in writing of the Great Western Company, to take up at any station of that Company, upon the portion of railway herein-before specified, any passengers, parcels, animals, goods, or minerals, and to deliver the same at another station of that Company; and if the Company violate this enactment they shall for every such violation pay to the Great Western Company fifty pounds by way of penalty.

As to ser-
vices at
stations.

26. The Great Western Company shall perform upon the portions of railway herein-before specified belonging to them, and at the stations at Maiden Newton and Dorchester, all such services and duties as may be necessary or reasonable for the convenient conduct of the traffic of the Company, upon payment of such charges for the same as may be agreed upon between the Great Western Company and the Company; and if any difference shall arise between the Companies as to the amount of such payments, or as to the nature, extent, or sufficiency of the services and duties so to be performed, such difference shall from time to time be settled by an arbitrator to be appointed at the request of either party by the Board of Trade; and the arbitrator to whom the matter may be referred may determine the amount of such payments, and prescribe what duties and services shall be so performed, and if he shall be of opinion that it is needful for the protection of the due working or development of the traffic of the Company, he may prescribe that the Company may employ, at any of the stations aforesaid to be designated by the arbitrator, such clerks, agents, and servants as he may by his award define, and he may likewise prescribe the accommodation that shall be given at such station to the said clerks, agents, and servants, and may lay down rules for their conduct, and may prescribe the payments to be made for the accommodation so afforded, and the award made from time to time by the arbitrator

shall be binding upon the Companies, and shall be obeyed by them respectively: Provided always, that the right to use the said stations shall not be suspended during such arbitration; provided also, that it shall be lawful for the Company to cart goods into and out of the stations herein-before mentioned of the Great Western Company.

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27. The Company, in using or traversing the said portions of the Great Western Railway, and in using the stations and conveniences thereof in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the Company.

Byelaws to be observed.

28. The Great Western Company shall from time to time afford all proper and sufficient facilities for the reception, accommodation, forwarding, interchange, and delivery of all traffic, of whatever description, passing or intended to pass to or from the railways of the Company from or to any railway of the Great Western Company, and that Company shall from time to time duly receive and transmit on their own railway, and deliver accordingly, all such traffic, and in all respects on an equality with their own proper traffic; and the Company shall afford in like manner and to as full an extent the same facilities and advantages to the Great Western Company.

Great Western Company to afford facilities for the traffic of the Company, and vice versa.

29. The traffic facilities to be so afforded shall include such through booking, through invoicing, through waggons, trucks, and other arrangements and facilities as may be agreed upon, or as, failing agreement, shall be determined by arbitration in manner provided by the Regulation of Railways Act, 1873.

Nature and extent of traffic facilities.

30. The terms and conditions, pecuniary and otherwise, on which the said traffic facilities shall be respectively afforded, and the through rates for traffic, shall be such as from time to time may be agreed upon, or, failing such agreement, as shall be from time to time determined by arbitration in manner provided by the Regulation of Railways Act, 1873.

Terms, &c. on which facilities shall be given.

31. And whereas the Great Western Company are working the undertaking of the Company under the provisions of the said agreement of the first day of July one thousand eight hundred and fifty-eight, no lease having been executed in pursuance thereof: And whereas the period prescribed by the said agreement and Act expired on the thirtieth day of June in this present year, and it is expedient that the same be extended for a term not exceeding one

Agreement of 1st July 1858 extended.

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year, subject to the right of either the Company or the Great Western Company to determine the same on giving to the other of them three months notice in that behalf: Therefore, subject to the proviso in this section, the said term is hereby extended to the first day of January one thousand eight hundred and eighty; and if the Company and the Great Western Company so agree, the said term may be extended for a further period, but not beyond the thirtieth day of June one thousand eight hundred and eighty: Provided that either Company may determine the said agreement at any prior date on giving three months previous notice in that behalf, under their common seal, to the other of them, and the said agreement and Act shall be read and have effect accordingly.

Interest not to be paid on calls paid up.

32. 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 the calls made 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.

33. 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 other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present or future general Railway Acts.

34. Nothing in this Act shall exempt the railway 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, or of the rates for small parcels, authorised by this Act to be taken by the Company.

Expenses of Act.

35. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

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Describing lands and buildings of which portions only are required.

Parish.	Numbers on deposited Plans.
RAILWAY NO. 1.	
Bradpole - - - - -	18
Bridport - - - - -	1
Bothenhampton - - - - -	21
Bothenhampton - - - - -	24

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