



CHAPTER xii.

An Act to confer further powers on the Abbotsbury Railway Company; to revive the powers and extend the period for the compulsory purchase of lands; for the construction of portions of the railway authorised by the Abbotsbury Railway Act, 1877; for making a diversion of part of their authorised line; and for other purposes. A.D. 1882.

[19th May 1882.]

WHEREAS by the Abbotsbury Railway Act 1877 (in this Act referred to as "the Act of 1877") the Abbotsbury Railway Company (herein-after called "the Company") were incorporated with power to make a railway from the Wilts Somerset and Weymouth Railway in the parish of Upway to Abbotsbury in the county of Dorset: 40 & 41 Vict.
c. cexi.

And whereas by the said Act the Company were authorised to raise by the creation of shares a capital of 54,000*l.*, and to borrow not exceeding 18,000*l.* on mortgage:

And whereas it is expedient that the Company should be authorised to raise further moneys for the purposes of their undertaking:

And whereas the period for the compulsory purchase of lands for the construction of the railway and works authorised by the Act of 1877 was limited to three years and the period for the completion of the railway and works was limited to five years from the passing of that Act which received the Royal Assent on the 6th day of August 1877:

And whereas it is expedient that the said powers for the compulsory purchase of lands in respect to some portions of the railway should be revived and that the periods for such compulsory purchase and for the due construction and completion should be extended so far as relates to the portions of the said railway and works herein-after mentioned:

And whereas it has been found that it would be advantageous to the Company and for the public safety if they were authorised to

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divert certain portions of the railway authorised by the Act of 1877 beyond the limits of deviation and it is therefore expedient that the Company should have power to construct the new or substituted railways herein-after described and to acquire additional lands for the purposes thereof and also to abandon so much of their authorised line as will be rendered unnecessary by the construction of such new or substituted railways :

And whereas plans and sections describing the line and levels of the deviation railways authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Dorset and are herein-after referred to as the deposited plans sections and books of reference :

And whereas the 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) :—

Short title.

1. This Act may be cited for all purposes as the *Abbotsbury Railway Act 1882.*

Incorporation of
general Acts.
8 & 9 Vict.
c. 16.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the 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 giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction

26 & 27 Vict. c.118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c.106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

of a railway) 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. A.D. 1882.

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. The expression "the railways" means the railways by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or 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. Interpretation.

4. Notwithstanding anything herein or in the incorporated Acts contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or temporarily any of the lands works or property of the Great Western Railway Company or in any manner to alter vary or interfere with the railway of that company or the works of or connected therewith without the consent of the Great Western Railway Company under their common seal save only for the purpose of effecting the junction by this Act authorised and the Great Western Railway Company may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junction and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith. Not to take lands or interfere with railway of Great Western Railway Company except for the purpose of a junction.

5. 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 deviation railways hereinafter described with all proper stations 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 books of reference as may be required for that purpose. Power to make railways.

The railways herein-before referred to and authorised by this Act will be situate in the county of Dorset viz. :—

Deviation Railway No. 1.—A railway 1 mile 3 furlongs 7 chains and 84 links in length commencing in the parish of Broadway

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by a junction with the Wilts Somerset and Weymouth Railway of the Great Western Railway Company at a point 25 yards or thereabouts measured in a northerly direction from the mile post on that railway indicating 166 miles from Paddington and terminating in the parish of Upway by a junction with the authorised railway of the Company at or near the western boundary of a field numbered 13 on the plans deposited in respect of the Abbotsbury Railway with the clerk of the peace for the county of Dorset in the month of November 1876 :

Deviation Railway No. 2.—A railway 1 mile 5 furlongs and 2·30 chains in length commencing in the parish of Portisham by a junction with the authorised railway of the Company on the eastern side of and adjoining a lane called or known as Coryates Lane and in a field numbered 19 on the plans deposited as aforesaid and terminating in the same parish by a junction with the authorised railway in a field on the eastern side of the bridge partly constructed by the Company over the public carriage road which adjoins the dairy known as Portisham Dairy.

Span of bridges.

6. The Company may make the arches of the bridges for carrying the railways by this Act authorised over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
33	Broadway	Public road	15 feet	20 feet.
25	Portisham	Bridle road	10 feet	12 feet.

Width of certain roadways.

7. The Company may make the roadway over the bridges by which the following roads 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) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
29B	Broadway	Public road	30 feet.

Power to raise additional capital.

8. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise any

additional capital not exceeding ten thousand pounds in the whole by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by either of those modes but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum being not less than one fifth of the amount of such share shall have been paid in respect thereof.

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9. The additional capital in new shares or stock created by the Company under this Act shall form part of the capital authorised by the Act of 1877 and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares to be subject to same incidents as other shares.

10. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

11. No share in the additional capital authorised by this Act shall be of less nominal amount than ten pounds and one fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

12. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

13. Every person who becomes entitled to new shares or stock in the additional capital under this Act shall in respect of the same be a holder of shares or stock in the capital of the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid up on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

14. The Company may in respect of the additional capital of ten thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole three thousand three hundred pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued

Power to borrow in respect of additional capital.

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and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such additional capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such additional 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 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 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 so far as the said additional capital is raised by shares that such persons or corporations 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.

Appoint-
ment of a
receiver.

15. Whenever any money is borrowed by the Company under the provisions of this Act section 18 of the Act of 1877 relating to the appointment of a receiver shall be repealed but without prejudice to any appointment theretofore made or any proceedings then pending. The mortgagees of the Company may thereafter enforce payment of arrears of interest or principal or principal and interest due on their respective mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand five hundred pounds in the whole.

Power to
create
debenture
stock.

16. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Period for
compulsory
purchase of
lands.

17. 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 two years from the sixth day of August one thousand eight hundred and eighty-two. A.D. 1882.

18. 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.

19. If the railways are not completed within three years from the sixth day of August one thousand eight hundred and eighty-two then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways 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.

20. The railways by this Act authorised shall for the purposes of tolls and charges and all other purposes whatsoever be part of the undertaking of the Company.

Railways to be part of Company's undertaking.

21. The Company shall abandon so much of their authorised line as was intended to be situate between the commencement and termination of the respective railways by this Act authorised.

Company to abandon portions of authorised line.

22. The abandonment by the Company under the authority of this Act of any portion of railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1877.

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

23. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of railway or works authorised to be abandoned by this Act

Compensation to be made in respect of portions of railway abandoned.

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the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Revival and extension of powers for purchase of lands.

24. The powers of the Act of 1877 with respect to the compulsory purchase or taking of and entry upon the lands delineated on the deposited plans and described in the deposited books of reference referred to in that Act (except as to the portions of railway by this Act authorised to be abandoned) are hereby revived and extended and shall continue in force till the sixth day of August one thousand eight hundred and eighty-four.

Extension of time for completion of railway.

25. The time limited by the Act of 1877 for the completion of the Company's authorised railway shall be and the same is hereby extended and enlarged until the expiration of three years from the sixth day of August one thousand eight hundred and eighty-two and section 34 of the Act of 1877 shall be read and construed as if the period by this Act limited for the construction and completion of the railway had been the period by that Act limited but if the railways authorised by the said Act and this Act shall not be completed within the extended period by this Act limited then on the expiration of that extended period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Power to apply funds to purposes of Act.

26. The Company may apply to the purposes of this Act any of the moneys which they have raised or have power to raise by virtue of the Act of 1877 and which may not be required for the purposes to which they are by such Act made specially applicable.

Interest or dividends not to be paid on calls paid up.

27. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him but nothing herein contained shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

28. The Company shall not out of any money by this Act authorised to be raised 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 authorising the Company to construct any other railway or execute any other work or undertaking.

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

29. Nothing in this Act contained shall exempt the railway of the Company from the provisions 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provisions as to general railway Acts.

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

Expenses of Act.