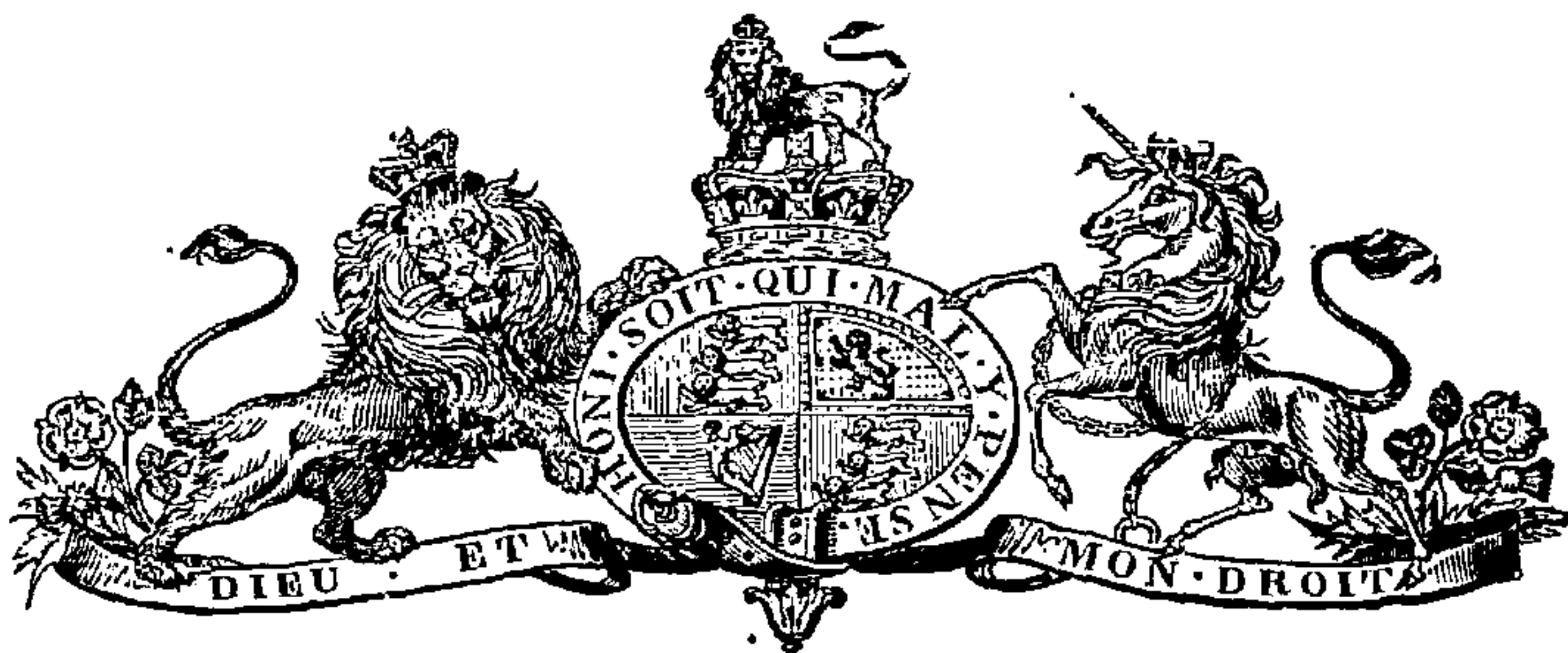




ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxxvii.

An Act for conferring further Powers upon the
Andover and Redbridge Railway Company.

[29th July 1862.]

WHEREAS Two Acts have been passed immediately relating to the *Andover and Redbridge Railway Company* (who are herein referred to as "the Company"), the one called "The *Andover and Redbridge Railway Act, 1858*," (herein referred to as "the Act of 1858,") and the other "The *Andover and Redbridge Railway Act, 1860*:" 21 & 22 Vict. c. lxxxii.
And whereas the Company have made great Progress in the Construction of their Railway, but they require for the Purposes of their Undertaking certain Lands which they were by the said Act of 1858 authorized to Purchase, but the Powers to acquire which expired on the Twelfth Day of *July* One thousand eight hundred and sixty-one, and it is expedient that these Powers should be revived: And whereas it is also expedient that the Company should be empowered to acquire for the Purposes aforesaid certain other Lands near to their Railway: And whereas the Time for making the said Railway will expire on the Twelfth Day of *July* One thousand eight hundred and sixty-three, and it is expedient that the said Period should be extended: And whereas the Company are by the said Act of 1858 authorized to raise One hundred and thirty thousand Pounds by Shares, and Forty-three thousand Pounds by borrowing, and all the said Shares have been issued, and none thereof have been forfeited, and the Company have borrowed and now owe Forty-three 23 & 24 Vict. c. 1.
[*Local.*] 28 Y thousand

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thousand Pounds; and it is expedient that the Company should have Power to raise additional Capital for the general Purposes of their Undertaking: And whereas none of the existing Shares of the Company are entitled to any Preference or Priority of Dividend: And whereas Plans showing the Lands, Houses, and other Property sought as aforesaid to be acquired, and also a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the said Lands, Houses, and other Property, were duly deposited with the Clerk of the Peace for the County of *Southampton* in the Month of *November* One thousand eight hundred and sixty-one: And whereas the Purposes aforesaid cannot be accomplished 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:

8 & 9 Vict.
cc. 16. & 18.
incorporated.

1. "The Lands Clauses Consolidation Act, 1845," and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital of the Company into Shares," "with respect to the Transfer or Transmission of Shares," "with respect to the Payment of Subscriptions, and Means of enforcing the Payment of Calls," "with respect to the Forfeiture of Shares for Nonpayment of Calls," "with respect to the borrowing of Money by the Company on Mortgage or Bond," "with respect to the Conversion of the borrowed Money into Capital," and "with respect to the Consolidation of Shares into Stock," shall be incorporated with and form Part of this Act.

Reviving
Time for
compulsory
Purchases.

2. The Powers for the compulsory Purchase, taking, or using of the following Lands are hereby revived, and shall continue in force until the First Day of *January* One thousand eight hundred and sixty-four; namely,

The Lands and Property delineated on the Plans referred to in the Act of 1858, between and including Number 2 in the Parish of *Milbrook* and Number 17 in the Parish of *Nursling*; between and including Number 131 in the Parish of *Romsey Extra* and Number 27 in the Parish of *King Sombourn*, passing through the Parishes of *Romsey Extra*, *Timsbury*, *Michelmars*, and *King Sombourn*, the Lands between and including Number 18 and Number 20 in the Parish of *King Sombourn*; Number 11 and Number 6a in the Parish of *Leckford*; Number 8a and Number 7 in the Parish of *Wherwell*; Number 55a and Number 24 in the Parish of *Goodworth Clatford*; and between Number 3a in the Parish of *Upper Clatford* and Number 22a in the Parish of *Andover*.

3. The

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3. The Time granted to the Company for the Construction of their Railway and Works shall be extended until the First Day of *January* One thousand eight hundred and sixty-four. Extension of Time for Completion of Railway.
4. The Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said Act of 1858 or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the said Lands, or in any Lands which may be injuriously affected by the Construction of the Railway or Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized. Parties aggrieved by Extension of Time may have Compensation for additional Damage.
5. Provided always, That nothing herein contained shall in anywise prejudice or affect any Contract entered into or Notice given by the Company before the passing of this Act for the Purchase or taking of any Lands, but every such Contract or Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed. Existing Contracts and Notices to take Lands not to be affected.
6. The Company may also enter upon, take, and use for the Purposes of their Undertaking all or any of the other Lands which are shown upon the said Plans and described in the Book of Reference deposited as aforesaid in *November* last. Power to purchase other Lands shown on Plans.
7. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company, in the Construction of the Railway, to carry the same across and upon the Level of the public Road numbered on the said deposited Plan 22 in the Parish of *Millbrook*, but no more than a Single Line of Railway shall be laid down at such level Crossing so long as the Undertaking of the Company consists of a Single Line of Railway, and in no Case shall more than a Double Line of Railway be laid down on such level Crossing. Level Crossing.
8. It shall not be lawful for the Company in shunting Trains to pass any Engines, Carriages, or Waggon over such level Crossing, or to allow any Engines, Carriages, or Waggon to stand across the same. Not to shunt Trains over level Crossing.
9. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Lodge at the Point where the before-mentioned Road shall be crossed on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations Company to erect Lodge where Road crossed on the Level.

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Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain any such Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Point or Lodge, or to 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.

Board of
Trade may
require
Bridge
instead of
level
Crossing.

10. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience, at any Time, either before or after the Railway shall have been completed and open for public Traffic,) may require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry the said Road either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Not to inter-
fere with
Powers con-
tained in
sect. 25 of
21 & 22 Vict.
c. lxxxii.

11. Nothing in this Act contained shall in any way interfere with or diminish the Powers contained in the Twenty-fifth Section of the Act of 1858 in favour of the *London and South-western* Railway Company, or with any of the Provisions contained in the said Section.

Works at
Redbridge to
be subject to
Approval of
Admiralty.

12. Previously to commencing any Work below High-water Mark on the Foreshore of *Southampton* Water at *Redbridge* the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Work shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered,

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recovered, with Costs, as a Penalty is or may be recoverable from the Company.

13. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty
may order
local Survey,
at Expense
of Company.

14. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works
affecting
tidal Waters
abandoned
may be re-
moved by
Admiralty, at
Expense of
Company.

15. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested

Authorizing
Sale of Lands
belonging to
the Duchy of
Lancaster,
and pro-
viding for
Application
of Purchase
Money.

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in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England and also of His Majesty's Duchy of Lancaster*, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein-recited Acts, or the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hale Viscount Gage and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, or the said Monies and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents, and be subject to the same Application, to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked X. in the Schedule to this Act annexed, or as near thereto as may be.

For Enrol-
ment of all
Deeds of
Conveyance

16. Every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster*, by virtue of

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of the Powers of this Act, being enrolled in the Court of the Duchy of Land Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Company the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household and the Honour and Dignity of the Crown*, or in any other Act, to the contrary in anywise notwithstanding.

of Land
belonging to
the Duchy of
Lancaster.

13 W. 3. &
1 Ann. c. 7.

17. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking.

Company
may apply
their Funds
towards Pur-
poses of Act.

18. Where any Share in the Company shall be declared forfeited, and the Forfeiture is confirmed by a General Meeting, in accordance with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," and if the Directors be unable to sell the Share for a Sum equal to the Arrears of Calls and Interest and Expenses due in respect thereof, the Company may at any General Meeting resolve that the Share, instead of being sold, be cancelled, and the Share thereupon shall be cancelled accordingly; and a Declaration in Writing made by some credible Person before a Justice, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest and Expenses in respect of the Share could not be obtained for the same on the Stock Exchange of the City of *London* at the Time of the cancelling, shall be Evidence of the Fact therein stated.

Company
may cancel
forfeited
Shares.

Defining
Conditions of
Forfeitures
and cancel-
ling.

19. The Directors may accept from the Holders of any Shares forfeited or liable to become forfeited Surrenders of such Shares upon such Terms and Conditions as may be authorized by any Ordinary or Extraordinary Meeting of the Company specially convened for that Purpose, but no Money shall be paid by the Company or the Directors to any such Holder for or in consideration of any such Surrender.

Company
may accept
Surrender of
Shares.

20. All Shares so cancelled or surrendered shall merge in the Capital Stock of the Company, and thereupon all Right and Interest of the former Proprietors of such Shares therein shall cease and be absolutely extinguished; and the Company may, by the Order of an Extraordinary Meeting duly convened with Notice of the Object, from Time to Time, instead of any Shares which may have been so cancelled or surrendered as aforesaid, create and issue new Shares of an aggregate Amount not greater than the aggregate Sum remaining due on the said cancelled or surrendered Shares.

Merger of
such Shares,
and Power
to issue new
Shares in-
stead of those
cancelled or
surrendered.

21. The

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Power to
Company
to raise
additional
Capital
by new
Shares.

21. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums, not exceeding in the whole Fifteen thousand Pounds, by the Creation of new Shares in their Undertaking of such Amounts as will allow the same to be conveniently apportioned or disposed of, according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, and may from Time to Time, but subject to the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and Conditions, not being less than the nominal Amount, as may be so resolved upon.

Privileges
may be
attached to
new and
unissued
Shares.

22. The Company may, with the Consent of Three Fourths at least of the Votes of their Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, with or without other Privileges, which the Company may think fit, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares; and for the Purpose of redeeming the same or any Part thereof the Company may create and issue from Time to Time fresh Shares, with or without any special Advantages; provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Six *per Centum per Annum* on the Amount for the Time being paid up on such Shares: Provided also, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits of the Company available for the Payment of the whole of any such preferential Dividends, the Deficiency shall not be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Limit of
Amount and
Number of
Calls.

23. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Dividends of
new Share-
holders.

24. Every Person who becomes entitled to any Share under the Powers of this Act shall in respect of the same be a Shareholder in the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Shareholders proportioned to the Amount for the Time being paid up on such Shares.

25. Except

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25. Except as by or under the Powers of this Act otherwise provided, all such Shares shall, in proportion to the Amount for the Time being paid up thereon, confer upon the respective Holders thereof the same Qualifications, Rights of voting, and other Privileges as may be possessed by the Proprietors of the ordinary Shares in the Company.

Qualifica-
tions, &c.
for new
Shares.

26. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage any additional Sum of Money not exceeding Five thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Power to
borrow on
Mortgage.

27. All Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Existing
Mortgages
to have
Priority.

28. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Mortgage shall be applied only to the Purposes authorized by this Act and the other Acts relating to the Company.

Application
of Sums
raised under
this Act.

29. It shall not be lawful for the Company, out of the Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the 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.

Interest not
to be paid
on Calls
paid up.

30. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House

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

[Local.]

29 A

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of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the 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.

31. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company or 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Saving Rights of the Crown and the Duchy of Lancaster.

32. Provided always, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Short Title. Expenses of Act.

33. This Act may be cited as "*The Andover and Redbridge Railway Amendment Act, 1862*;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

The Andover and Redbridge Railway Amendment Act, 1862.

SCHEDULE.

X.

THESE are to witness, That in consideration of the Sum of £	Conveyance
paid to <i>A.B.</i> of	to Her
by <i>C.D.</i> , the Receiver General of the Revenues of the Duchy of	Majesty in
Lancaster on behalf of Her Majesty, he the said <i>A.B.</i>	right of Her
doth by these Presents grant, convey, and assure	Duchy of
unto the said <i>C.D.</i> ,	Lancaster.
Assigns, all that	his Heirs and
and to hold the same unto the said <i>C.D.</i> ,	to have
his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and	
Successors, in right of Her said Duchy.	
In witness, &c	

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1862.