



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxxxiv.

An Act to empower the *Ringwood, Christchurch, and Bournemouth* Railway Company to extend their Railway to *Bournemouth*; and for other Purposes. [13th July 1863.]

WHEREAS by "The *Ringwood, Christchurch, and Bournemouth* Railway Act, 1859," the *Ringwood, Christchurch, and Bournemouth* Railway Company (herein-after called "the Company") were incorporated, with a Capital of Forty-five thousand Pounds, and with Power to borrow on Mortgage or Bond Fifteen thousand Pounds, and were authorized to make a Railway (herein-after called "the original Line") commencing in the Parish of *Ringwood* in the County of *Southampton* by a Junction with the Line of the *London and South-western* Railway, and terminating in the Parish of *Christchurch* in the same County, and by that Act the Company and the *London and South-western* Railway Company were authorized to enter into and carry into effect Contracts and Arrangements for the Use and working by the latter Company of the original Line, and the Conduct and Regulation of the Traffic thereon, and certain incidental Matters: And whereas the original Line is complete and open for Traffic: And whereas the Extension of the original Line to *Bournemouth* would be of local and public Advantage: [Local.] 23 B And

22 & 23 Vict.
c. xciv.

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And whereas the Company are willing to undertake such Extension if authorized so to do, and to raise Money for that Purpose : And whereas Plans and Sections describing the Line and Levels of the proposed Railway, and the Lands which may be required to be taken for the Purposes thereof, together with a Book of Reference to those Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the said Lands respectively, have been deposited with the Clerk of the Peace for the County of *Southampton* : And whereas it is expedient that the Powers by the recited Act given to the Company and the *London and South-western* Railway Company with reference to such Contracts or Arrangements as aforesaid should be extended to the proposed Railway and the Traffic thereon : And whereas the Objects before mentioned 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 any Purpose as "*Ringwood, Christchurch, and Bournemouth* Railway Act, 1863."

Interpretation of Terms.

2. In this Act the Expression "the Company" shall mean the *Ringwood, Christchurch, and Bournemouth* Railway Company ; the Expression "the Railway" and the Expression "the Extension Railway" shall respectively mean the Railway and Works which the Company are by this Act authorized to construct ; the Expression "the original Line" shall mean the Railway by the recited Act authorized ; the Word "Share" shall include "Stock" ; the Expression "Court of competent Jurisdiction," or any other like Expression, 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 ; and the Word "Traffic" shall include Passengers and Luggage, Animals, Goods and Merchandise, and other Articles, Matters, and Things, unless in either Case there be something in the Subject or Context repugnant to or inconsistent with such Construction.

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

4. 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 the Means of enforcing

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enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Consolidation of the Shares into Stock, with respect to the Remedies of Creditors of the Company against the Shareholders, 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, with respect to the making of Dividends, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, shall be incorporated with this Act, and, subject to the other Provisions of this Act, shall respectively apply to all Shares and Capital created and Monies borrowed under the Powers of this Act.

5. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith the Expression "the Special Act" shall mean this Act; the Expression "the Company" and the Expression "the Promoters of the Undertaking" respectively shall mean the *Ringwood, Christchurch, and Bournemouth Railway Company*; and the Term "Superior Courts" shall include any Court of competent Jurisdiction as interpreted by this Act, unless in either Case there be something in the Subject or Context repugnant to or inconsistent with such Construction.

Interpreta-
tion Clause
for incorpo-
rated Acts.

6. Subject to the Provisions herein-after contained, the Company may make and maintain the Railway herein-after described according to the Line and Levels defined upon the Plans and Sections and upon the Lands delineated on the Plans and described in the Book of Reference deposited as aforesaid, and the Company may enter upon, take, and use such of those Lands as they think necessary for the Purposes of this Act.

Power
to make
Railway
according to
deposited
Plans.

7. The Railway by this Act authorized to be constructed is—

A Railway commencing in the Parish of *Christchurch* and County of *Southampton* by a Junction with the original Line at its Terminus there, and terminating in the Parish of *Holdenhurst* in the same County in or near a Brick Field lying on the South-east Side of and adjoining to the Road from *Bournemouth* to *Holdenhurst*.

Description
of new Line.

8. Notwithstanding anything in this Act contained, the Company shall not lay down or construct the Extension Railway by this Act authorized so as to in any Manner interfere with the convenient Construction, Maintenance, and Working of the Railway authorized by "The *Ringwood, Christchurch, and Bournemouth Railway Act, 1859*," or the Station, Works, and Conveniences connected therewith at and near its authorized Terminus at *Christchurch*; and the Point at which and the Manner in which the Junction between the Railways and the Line and Level in and upon which the Railway by this Act authorized shall be formed and maintained, so as to prevent such Interference as aforesaid, shall be agreed upon between the principal Engineer of the Company

For prevent-
ing Inter-
ference with
working of
original
Line.

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Company and the principal Engineer of the *London and South-western* Railway Company, or, failing Agreement between them, shall be settled by an Engineer to be appointed by the Board of Trade on the Application of either of the Companies, and the Railway by this Act authorized shall be constructed and maintained accordingly.

Power
to alter
Engineering
Works.

9. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to them upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided, that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Power to
cross a
certain Road
on the Level.

10. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company to carry the Railway across and on the Level of the Road numbered on the Plans deposited as aforesaid 1 in the Parish of *Christchurch*; provided, that while the Railway crossing that Road consists of a single Line not more than a single Line of Railway, and when the Railway consists of a double Line not more than a double Line of Railway, shall be laid by the Company across that Road.

As to
shunting of
Trains,

11. It shall not be lawful for the Company in shunting Trains to pass any Train over the level Crossing, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

Company
to erect
Station or
Lodge at
Point of
crossing.

12. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Station or Lodge at the Point where the Railway crosses on the Level the before-mentioned Road, and shall be subject to and shall abide by all such Rules and 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

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from Time to Time be made by the Board of Trade; and if they shall fail to erect and at all Times to maintain such Station or Lodge as aforesaid, or to appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, the Company 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.

13. The Board of Trade may, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Road on the Level shall have been completed and opened for public Traffic, require the Company within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

14. The Quantity of Land to be purchased by the Company under the Authority of this Act for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Land for extraordinary Purposes.

15. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

16. The Extension Railway shall be completed within Three Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the Extension Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Limiting Time for Completion.

17. If the Railway by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provision herein-after contained) the Company shall forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railway shall remain unopened, which Amount shall be a Debt due from the Company to the Crown, and recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may be prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their

Penalty for Noncompletion of Works within Time limited.

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their Control (but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control), of which Prevention and the Time for which it may have endured the Certificate of the Board of Trade shall be sufficient Evidence, and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly.

Power to
take Tolls.

18. The Company may demand and take the like Tolls for the Use of the Extension Railway, and for Carriages, Trucks, and locomotive Power supplied by them for Use thereon, as they are authorized to demand and take under and by virtue of "The *Ringwood, Christchurch, and Bournemouth* Railway Act, 1859," and as if the Extension Railway formed Part of the Railway authorized by that Act: Provided always, that the maximum Charges to be taken by the Company upon, for, or in respect of the Extension Railway shall not exceed those limited by that Act and this Act.

Railway to
be Part of
Under-
taking.

19. In all respects not by or under the Provisions of this Act otherwise provided for the Extension Railway shall be deemed Part of the Undertaking of the Company, and the Powers of this Act may (except in so far as they are by this Act directed to be exercised at or by a Meeting of the Company) be exercised by the Directors for the Time being of the Company.

Extending
Traffic
Arrange-
ments to
Extension.

20. The Sections of "The *Ringwood, Christchurch, and Bournemouth* Railway Act, 1859," numbered from 45 to 49, inclusive of both those Numbers, (being the Sections relative to Contracts or Arrangements between the Company and the *London and South-western* Railway Company with respect to the Use and Working of the original Line, and the Conduct and Regulation of Traffic thereon, and other Matters connected therewith,) shall extend and apply to the Extension Railway and the Traffic thereon, and to authorize such Contracts and Arrangements with reference to the Extension Railway or any Part thereof, and the Traffic thereon, either apart from or together with the original Line or any Part thereof, and the Traffic thereon, as fully and effectually as those Sections now apply with reference to the original Line and the Traffic thereon.

Application
of existing
Funds.

21. The Company may apply to the Purposes by this Act authorized any Money by the recited Act authorized to be raised and not required for the Purposes of that Act.

Power to
raise ad-
ditional
Capital by
new Shares.

22. The Company may from Time to Time raise under the Authority of this Act any further Sum not exceeding in the whole Thirty thousand Pounds by the Creation and Issue of new Shares in their Undertaking, in One or more Classes, of such Amounts, and to be disposed of in such Manner,

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Manner, to such Persons, and on such Terms and Conditions, as shall from Time to Time be determined by the Resolution of any Ordinary or Extraordinary Meeting of the Company.

23. The Amount of any One Call to be made upon the Proprietors of any new Shares created under the Powers of this Act shall not exceed the Rate of Twenty *per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar 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.

Limit of
Amount and
Number of
Calls.

24. If after having created any new Shares under this Act the Company resolve not to issue the same or any Class or Part thereof, they may cancel the Shares to which such Resolution applies, and in lieu thereof may create and issue other new Shares not exceeding the aggregate Amount unpaid upon the Shares so cancelled.

Unissued
Shares may
be cancelled.

25. When the whole of the additional Share Capital of Thirty thousand Pounds by this Act authorized is subscribed for or taken, and One Half thereof is paid up, and the Company shall 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 the whole of that additional Capital is subscribed for or taken *bonâ fide*, and is held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, (of which Facts the Certificate of the Justice under that Section shall be sufficient Evidence,) the Company from Time to Time, with the Authority of any General Meeting, may borrow on Mortgage of their Undertaking (in addition to the other Sums which they are by the recited Act authorized to borrow) any Sums not exceeding in the aggregate Ten thousand Pounds.

Power to
borrow on
Mortgage.

26. All Mortgages granted by the Company before the passing of this Act, and which are in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking or Portion of Undertaking thereby assigned, have Priority over all Mortgages granted by virtue of this Act, and attaching on the same Undertaking or Portion of Undertaking.

Priority of
existing
Mortgages.

27. All Monies which the Company are by this Act authorized to raise by Shares or Mortgages shall be applied only to the Purposes by this Act authorized.

Application
of Monies
raised under
this Act.

28. From the passing of this Act the original Line and the Extension Railway shall together constitute and be denominated "The *Ringwood, Christchurch, and Bournemouth* Railway."

Name of
Railways.

29. The

Ringwood, Christchurch, and Bournemouth Railway Act, 1863.

No Interest
or Dividend
to be paid
on Calls
paid up.

29. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

30. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect to any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or to execute any other Work or Undertaking.

Railway not
exempt from
Provisions
of present
and future
General
Acts.

31. Nothing in this Act shall exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of the Fares and Charges, or of the Tolls for small Parcels, authorized by this Act or the recited Act.

Expenses of
Act.

32. The Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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