ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. ccxxiii.

An Act for authorizing the *Somerset and Dorset* Railway Company to acquire additional Lands for the Purposes of their Undertaking; and to raise further Monies; and for other Purposes.

[25th *July* 1864.]

WHEREAS by "The *Somerset and Dorset* Companies Amalgamation Act, 1862," the *Somerset and Dorset* Railway Company (in this Act called "the Company") were incorporated, being formed by the Amalgamation of the *Somerset Central* Railway Company and the *Dorset Central* Railway Company, and the Undertakings, Railways, Properties, and Works of those Two Companies respectively were vested in the Company: And whereas it is expedient that the Company be authorized to purchase and use for the Purposes of their Undertaking the several Lands in that Behalf specified in this Act, and further Provision be made with respect to Lands acquired by the Company and not immediately required for the Purposes thereof: And whereas it is expedient that the Company be authorized to raise further Monies: And 25 & 26 Vict. c. ccxxv.

And whereas Plans of the Lands which by this Act the Company are authorized to purchase, and Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Somerset*, and those Plans and Books of Reference are in this Act referred to as the deposited Plans and Books of Reference: And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "The *Somerset and Dorset* Railway Act, 1864."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Cancellation and Surrender of Shares), and Part II. (relating to Additional Capital) of "The Companies Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act) are incorporated with this Act.

Parts of 8 & 9 Vict. c. 16. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

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 the Payment of Calls:

With respect to the Forfeiture of Shares upon Nonpayment of Calls:

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

With respect to the Consolidation of Shares into Stock:

With respect to the Provision to be made for affording Access to the Special Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, 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 Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Same Meanings to Words in incorporated Acts as in this Act.

5. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for Purposes connected with their Undertaking, such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit.

Power to take Lands compulsorily.

6. The Lands which the Company may take compulsorily, or by Agreement, for Purposes connected with their Undertaking, comprise the following Lands; (that is to say,)

Specified Lands which may be taken besides Lands taken for Railway.

Lands in the Parish of *East Pennard* in the County of *Somerset*, and which Lands are numbered respectively 14, 15, 16, 18, 19, 20, 23, and 24 in that Parish on the Plans deposited with the Clerk of the Peace for the County of *Somerset*, in the Month of *November* 1855, in respect of "The *Somerset Central* Railway (*Glastonbury* to *Bruton*) Act, 1856:"

Lands in the Parish of *Evercreech* in the County of *Somerset*, and which Lands are numbered respectively 3 to 9, both inclusive, 17, 17A, 18 to 25, both inclusive, 27 to 30, both inclusive, and 32 in that Parish on those Plans:

Lands in the Parish of *Temple Combe* in the County of *Somerset*, and which Lands are numbered respectively 9, 10, 16 to 19, both inclusive, 19A, 21, 31, and 32 in that Parish on the Plans deposited with the respective Clerks of the Peace for the Counties of *Somerset* and *Dorset*, in the Month of *November* 1856, in respect of "The *Dorset Central* Railway Act, 1857."

7. The

Powers for compulsory Purchases limited.

7. The Powers of the Company for the compulsory Purchase of Lands under the Authority of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Provision as to Lands not immediately required by Company.

8. The Company from Time to Time, but at the latest at the Expiration of Ten Years after the passing of this Act, may and shall sell and dispose of the Lands heretofore acquired by them and which from Time to Time are not required for the Purposes of their Undertaking.

Powers to raise additional Capital by new Shares.

9. The Company from Time to Time may raise for the Purposes of this Act, and for the general Purposes of their Undertaking, by the Creation and Issue of new Shares or new Stock, whether ordinary or preferential, or both, any Capital not exceeding in the whole One hundred thousand Pounds, and the same shall be in addition not only to their present authorized Capital, but also to the Capital, if any, which by any other Act, if any, of the present Session of Parliament hereafter passed they are authorized to raise: Provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

10. The Company from Time to Time may borrow on Mortgage for the Purposes of their Undertaking any Sums not exceeding in the whole Thirty-three thousand Pounds: Provided that the Company shall not borrow on Mortgage any Part of that Sum until the whole of their Capital under this Act is subscribed for or taken, and One Half thereof is actually 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 Shares for all such additional Capital are issued and taken *bonâ fide*, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given, the Certificate of such Justice under such Section shall be sufficient Evidence.

Priority of existing Mortgages.

11. Provided that all Mortgages granted by the Company before the passing of this Act, and now in force, shall during the Continuance thereof

thereof respectively have Priority over all Mortgages granted by the Company under this Act.

12. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Ten thousand Pounds. Arrears may be enforced by Appointment of a Receiver.

13. All and every Part of the Money by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act and the general Purposes of their Undertaking respectively, and the Company from Time to Time may apply for the Purposes of this Act any Monies now or hereafter belonging to them or under the Control of their Directors, save only so far as the Application of any such Money is by any Act specially provided for, and is required for the Purpose for which it is so made applicable. Application of Monies by Company.

14. The Company shall not, out of any Money by this or any other Act authorized to be raised by them by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided that the Company from Time to Time may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act. Interest not to be paid on Calls paid up.

15. The Company shall not, out of any Money by this or any other Act authorized to be raised by the Company by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any Railway, or execute any other Work or Undertaking. Deposit on future Bills not to be paid out of Capital.

16. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Railway not exempt from Provisions of present and future General Acts.

Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act or any other Act relating to the respective Railway authorized, or the Rates for small Parcels thereby respectively authorized.

Expenses of Act.

17. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.