ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxvii.

An Act to enable the *Direct London and Portsmouth* Railway Company to make an Approach to the Town of *Dorking*, and a Deviation in the Line and certain Alterations in the Levels of their Railway and in the *Croydon and Epsom* Railway. [9th *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the* 9 & 10 Vict.
Croydon and Epsom *Railway at* Epsom *to the Town of* c. 83.
Portsmouth, *to be called* "*The* Direct London and Portsmouth *Railway*:" And whereas it is expedient that the Company incorporated by the said Act should be empowered to construct an Approach to the Town of *Dorking*, and to make certain Deviations in the Line and Levels of the said Railway as by the said Act authorized, and in the Levels of the *Croydon and Epsom* Railway: And whereas it is expedient that some of the Provisions of the said recited Act should be extended and enlarged, but 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of the same, That all the Provisions, Matters, and Things contained in the said recited Act, except such as are repealed, altered, or otherwise provided for by this Act, and all the Provisions in the Lands Clauses Consolidation Act, 1845, the Companies Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, except such of them as are by this Act or by the said recited Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Powers of recited Act and certain Provisions of 8 & 9 Vict. cc. 18. & 20. extended to this Act.

II. And whereas Plans and Sections of the Approach to *Dorking*, and of the Deviations in the Line and Levels of the said Railway, and of the *Croydon and Epsom* Railway, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the respective Clerks of the Peace for the Counties of *Surrey*, *Sussex*, and *Southampton*; be it enacted, That, subject to the Provisions in this Act and the said recited Acts contained, it shall be lawful for the *Direct London and Portsmouth* Railway Company to make and maintain the said Approach, Deviations, and Works connected therewith in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to make Approach and Deviations according to deposited Plans.

III. And be it enacted, That it shall be lawful for the said Company to make and maintain the Approach and the several Deviations in the Line and Levels following; (that is to say,)

An Alteration of the Levels of the *Direct London and Portsmouth* Railway commencing at the Point of Junction of such Railway with the *Croydon and Epsom* Railway in the Parish of *Epsom* in the County of *Surrey*, and terminating in the said Parish at or near a certain Field or Property numbered 178 on the deposited Plans of the said *Direct London and Portsmouth* Railway in the said recited Act referred to:

Another Alteration of such Levels commencing at or near a certain Field or Property numbered 15 on such Plans in the Parish of *Leatherhead* in the said County of *Surrey*, and terminating in such Parish at or near a Field numbered 63 on such Plans; and, for the Purpose of effecting a Junction with the *Croydon and Epsom* Railway in consequence of the firstly herein-before mentioned Alteration of the Levels of the *Direct London and Portsmouth* Railway, an Alteration of the Levels of the *Croydon and Epsom* Railway commencing at the Point of Junction aforesaid at or near the Turnpike Road numbered 98 *a* on the deposited Plans of the said *Croydon and Epsom* Railway situate in the said Parish of *Epsom*, and terminating in such Parish at or near the Field or Property numbered 11 on the said last-mentioned Plans:

Lines of Approach and Deviations.

An

An Approach to or Communication with the said *Direct London and Portsmouth* Railway from the Town of *Dorking*, such Approach to commence in or near the Field numbered 25 on the said deposited Plans of the said *Direct London and Portsmouth* Railway in the Parish of *Dorking*, and to terminate at or near the Point where the Road called *Mill Lane* joins the *High Street* in the Town of *Dorking* in the said Parish of *Dorking*:

A Deviation in the Line of the said *Direct London and Portsmouth* Railway commencing at or near a Field numbered 50 on the said deposited Plans of the *Direct London and Portsmouth* Railway in the Tything of *Idsworth* in the Parish of *Chalton*, passing thence from, through, and into the Parishes, Townships, and extra-parochial or other Places of *Idsworth*, *Chalton*, *Warblington*, and *Havant*, or some of them, in the County of *Southampton*, and of *Stoughton* in the County of *Sussex*, and forming a Junction or Junctions with the *Portsmouth* Extension of the *Brighton and Chichester* Railway in the said Parish of *Havant* at or near the Road leading from *Havant* to *Horndean*, and from such Point of Junction passing through the Parishes of *Havant* and *Bedhampton* in the said County of *Southampton*, and terminating in the Line of the *Direct London and Portsmouth* Railway as at present authorized at or near a Field numbered 7 on the said deposited Plans of such last-mentioned Railway in the said Parish of *Bedhampton*.

Power to abandon Parts of Railway authorized by recited Act.

IV. And be it enacted, That the said Company shall abandon such Parts of the *Direct London and Portsmouth* Railway by the said recited Act authorized to be constructed as by reason of the Deviations in the Line thereof hereby authorized to be made, or any of them, may be rendered unnecessary; and all the Powers, Authorities, and Privileges which by the said recited Act are given for making and maintaining the Portions of the said Railway by this Act authorized to be abandoned shall from and after the making of the said Deviations herein-before mentioned cease and determine.

Power to cross certain Roads on the Level.

V. And be it enacted, That the public Roads described in the deposited Plans as Number 16*a* in the Parish of *Havant* and Number 6 in the Parish of *Bedhampton* may be crossed on the Level.

Company to erect a Station or Lodge at Point where Roads cross on a Level, and to abide by Rules, &c. of Commissioners of Railways.

VI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway shall cross on the Level the before-mentioned Roads, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or 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

such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Period within which Lands are to be purchased.

VII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of the Deviations and Alterations of Levels shall not be exercised after the Expiration of Three Years, and for the Purposes of the Approach shall not be exercised after the Expiration of Two Years, from the passing of this Act.

Period for Completion of Works.

VIII. And be it enacted, That the Deviations and Alterations in Levels shall be completed within Seven Years from the passing of this Act, and the Approach shall be completed within Two Years from the passing of this Act; and on the Expiration of such respective Periods the Powers by this Act granted to the Company for executing such Deviations, Alterations in Levels, and Approach, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Deviations, Alterations in Levels, and Approach, as shall at such respective Periods be completed.

Same Tolls to be taken as on Main Line.

IX. And be it enacted, That it shall be lawful for the Company, except as herein-after specified, to demand and receive for and in respect of the said Deviations the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the said Railway by such Act authorized to be constructed.

Maximum Charges.

X. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the said Deviations shall in no Case exceed the maximum Charges authorized by the said recited Act.

Power to raise additional Money by Creation of new Shares.

XI. And be it enacted, That it shall be lawful for the Company to raise by the Creation of new Shares in the Company, in addition to the Sum of Money which they are by the said recited Act authorized to raise, any further Sum of Money not exceeding in the whole Ten thousand Pounds; and such Shares shall be of such nominal Value, and may be issued in such Manner and at such Price, as the Company may think proper, and shall be subject to the same Benefits, Liabilities, and Restrictions as the original Shares created by the said recited Act.

Provision if Reading, Guildford, and Reigate Company become entitled to construct Portion of Railway.

XII. And be it enacted, That in case the *Reading, Guildford, and Reigate* Railway Company become entitled to construct the Portion of Railway between *Gomshall* and *Dorking*, the Powers by this Act given to make the said Approach from the Town of *Dorking*, and to purchase Lands for such Purposes, shall not prevent or impede the Purchase of any Lands to be taken under the Powers of this Act which may be required by the *Reading, Guildford, and Reigate* Railway Company for the Construction of their said Railway.

As to the Purchase of Lands re-

XIII. And be it enacted, That in such Event as last aforesaid if any Lands to be taken by virtue of this Act by the *Direct London*

and

and Portsmouth Railway Company, and authorized to be taken by the *Reading, Guildford, and Reigate* Railway Company, shall be necessary for the Purposes of both such Companies, or in case any Dispute or Difference shall arise between such Companies as to the Works to be constructed in such Event as aforesaid for giving Access to the Station of the *Direct London and Portsmouth* Railway Company at *Dorking*, and for carrying the said Approach under, over, or across the said *Reading, Guildford, and Reigate* Railway, such Disputes shall be settled by the Commissioners of Railways, or by an Umpire appointed by them, whose Decision shall be final.

quired by both Companies.

XIV. And be it enacted, That the *Reading, Guildford, and Reigate* Railway Company shall, if they shall require it, have the reasonable Use of the Station constructed or to be constructed by the *Direct London and Portsmouth* Railway Company at *Dorking*, and of the Approach thereto authorized to be made by this Act, upon such Terms and Conditions in respect of the Use of the said Station as shall be settled by Agreement between the said Companies, or, in case of Disagreement, as shall be settled by the Commissioners of Railways, or an Umpire appointed by them; and in case of Difference between the Two Companies in regard to the Use of the said Approach, the said Commissioners shall likewise determine whether any, and if any what, Payment shall be made by the said *Reading, Guildford, and Reigate* Railway Company in respect thereof.

As to Use of Station of Direct London and Portsmouth Railway.

XV. And be it enacted, That the Company shall divert the Footpath numbered on the deposited Plans 30*a* in the Parish of *Epsom*, and for such Purpose it shall be lawful for the Company to stop up the present Footpath where it crosses the *Croydon and Epsom* Railway and the Station at *Epsom*, and the Company shall carry the same Footpath in the Direction of the Hedge, and outside the Boundary of the Property belonging to or in the Occupation of Dr. *Mayd* where the same adjoins the said Railway Station, into the Highway numbered 18*a* on the said Plans in the Parish of *Epsom* as proposed to be diverted.

Power to divert a Footpath in Parish of Epsom.

XVI. And whereas it is expedient to provide Means for a more convenient Junction of the *Reading, Guildford, and Reigate* Railway with the *Direct London and Portsmouth* Railway; be it enacted, That the Levels of the said last-mentioned Railway shall be lowered Five Feet below the Levels of the Parliamentary Sections of the said Line at a Point on the Main Line of the said last-mentioned Railway One thousand three hundred and eighty Links East from the Point where the said last-mentioned Line crosses the Road called *Bradley Lane* in the Parish of *Dorking*: Provided always, that the Provision aforesaid shall not affect the Power of the Engineer of the *Direct London and Portsmouth* Railway to superintend and direct the Works for effecting such Junction.

Regulating the Point of Junction and Works for the Reading, Guildford, and Reigate Railway.

XVII. And be it enacted, That in case the *Reading, Guildford, and Reigate* Company shall construct a separate Station for their own Use at *Dorking*, and if any Difference shall arise between the said Company and the *Direct London and Portsmouth* Railway Company as

Disputes as to Land for Station at Dorking to be referred

to Commissioners of Railways.

as to the Appropriation of any Land for such Purpose scheduled under the existing Acts of the said Two Companies lying Eastward of the said Point at One thousand three hundred and eighty Links from the said Crossing of *Bradley Lane* and this Act, the Matter in dispute shall be referred to the Commissioners of Railways, whose Decision shall be final.

No Deviation from centre Line near East Leigh House.

XVIII. And be it enacted, That it shall not be lawful for the Company to construct their Railway nearer to *East Leigh House*, belonging or claimed to belong to *John Barton* Esquire, than the centre Line of Railway laid down on the said deposited Plan, without the Consent of the said *John Barton*, his Heirs or Assigns, first had and obtained.

Company not to make Bricks near East Leigh House.

XIX. And be it enacted, That the Company shall not make Bricks or burn Clay within Half a Mile of the said *East Leigh House* without the Consent of the said *John Barton*, his Heirs or Assigns, in Writing first had and obtained.

Short Title.

XX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Direct London and Portsmouth* Railway Act, 1847."

Interest not to be paid on Calls paid up.

XXI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder in 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 said 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.

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

XXII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to 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 authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.,

XXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;*

and

and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said intended Deviation and Approach from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said intended Deviations and Approach so far as the same shall be applicable thereto. 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

Railway to be subject to Provisions of any future general Act.

XXIV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway by this Act or the said recited Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rate of Fares and Charges authorized by the recited Acts or this Act.

Expences of Act.

XXV. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Interpretation of Act.

XXVI. And be it enacted, That the Term "the Company" in this Act shall mean the *Direct London and Portsmouth* Railway Company.

Public Act.

XXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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