ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

***

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may for all Purposes be cited as "The *Fareham and Netley* Railway Act, 1865."

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway), and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the Words "the Company" shall mean the Company incorporated by this Act, and the Words "the Undertaking" or "the Railways" shall mean the Railways and the Works connected therewith respectively by this Act authorized to be constructed, and the Words "the *South-western* Company" shall mean the *London and South-western* Railway Company.

Same Meaning of Words as in incorporated Acts.

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 or any Acts incorporated herewith, shall 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.

Incorporation of Company.

5. *Thomas Bowman, David Davis, E. Williams, Alfred John Aslatt, C. Bromley, William Cooper, Joseph Lobb, Samuel Emanuel, F. K. Perkins, George Lungley, Thomas Mondey, George Thomas Maitland Purvis*, R.N., *Thomas Burrell, William Greene, Walter Maude Cosser, John Stares, William Stares, Thomas Monday, William Cawte, James Hewitt, Henry Waters, Richard Wooldridge, James Gray, William Franklin, Thomas Hore, John P. Appleby* Vice-Admiral, and all Persons and Corporations who may subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking, and such Company shall be incorporated by the Name of "The *Fareham and Netley* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and

in

in the said Acts contained, and their Undertaking shall be called "The *Fareham and Netley* Railway."

Capital.

6. The Capital of the Company shall be One hundred and five thousand Pounds, and shall be divided into Ten thousand five hundred Shares of Ten Pounds each, and not less than One Fifth Part of the Amount of each Share shall be paid at the Time of the Issue thereof.

Calls.

7. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share.

Power to borrow on Mortgage.

8. The Company may borrow on Mortgage any Sum not exceeding in the whole Thirty-five thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and five thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide* and issued, and that Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue thereof, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Application of Monies.

9. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only to the Purposes by this Act authorized.

Arrears may be enforced by Appointment of Receiver.

10. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

First Ordinary Meeting of Company.

11. The First Ordinary Meeting of the Company shall be held within One Month next after the passing of this Act, and the subsequent

subsequent Ordinary Meetings of the Company shall be held in the Months of *February* or *March* and *August* or *September* in every Year.

Quorum of Meetings.

12. The Quorum of General Meetings of the Company shall be Five Shareholders present personally or by proxy, holding in the aggregate not less than One Tenth in the Capital of the Company.

Number and Qualification of Directors.

13. The Number of Directors shall be Four, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Quorum of Directors.

14. The Quorum of a Meeting of Directors shall be Three.

First Directors.

15. The First Directors of the Company shall be elected by the Shareholders of the Company at the First Ordinary Meeting of the Company to be held after the passing of this Act.

Powers for compulsory Purchases limited.

16. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years after the passing of this Act.

Lands for extraordinary Purposes.

17. The Quantity of Land to be purchased by the Company by Agreement, adjoining or near to the Railways, for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed One Acre.

Limiting Time for Completion of Works.

18. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Power to construct Works.

19. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and for that Purpose they may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as may be necessary.

Description of Works.

20. The Railways (which will be wholly situate in the County of *Southampton*) are the following; namely,

Railway No. 1.—A Railway commencing by a Junction with the authorized Railway from *Southampton* to *Netley*, now in course of

of Construction in a Field numbered 328 A, in the Parish of *Hound* in the County of *Southampton*, on the deposited Plans of the *Southampton and Netley* Railway, 1860, and terminating by a Junction with the *Gosport* Branch of the *London and South-western* Railway near to the Booking Office of the *Fareham* Station of that Railway, which said Railway will pass by, from, through, in, or into the Parishes following, that is to say, *Hound*, *Titchfield*, and *Fareham*:

Railway No. 2.—A Railway wholly in the Parish of *Fareham*, commencing by a Junction with the said Railway No. 1. in a Field in the said Parish of *Fareham* belonging to *Thomas Burrell*, in the Occupation of *Frederick John Burrell*, and bounded on the West Side by a public Road known as *Redland's Lane*, on the North Side by Allotment Gardens belonging to Captain *Purvis*, and on the East Side by the *Gosport* Branch of the *London and South-western* Railway, and terminating by a Junction with the *Portsmouth* Branch of the *London and South-western* Railway at a Point about Five hundred and fifty Yards or thereabouts from the *Fareham* Station of that Railway, measured in a South-easterly Direction along the said *Portsmouth* Branch Railway:

Railway No. 3.—A Railway wholly in the Parish of *Fareham*, commencing by a Junction with the said Railway No. 1. in a Field in the Parish of *Fareham* belonging to the Representatives of the late *James Fitchett Burrell*, namely, *James Fitchett Burrell*, *William Bracher Gater*, and *Thomas Hewett*, in the Occupation of *George Webb*, and bounded on the North by a Field belonging to Captain *Purvis*, and terminating by a Junction with the *Gosport* Branch of the *London and South-western* Railway at a Point about Seven hundred Yards or thereabouts from the said *Fareham* Station, measured in a Southerly Direction along the said *Gosport* Branch Railway, and near to a public Road Bridge which carries *Redland's Lane* under the said Railway.

As to Opening Bridge across the River Hamble.

21. In carrying the Railway over the River *Hamble* the Company shall provide and maintain an Opening Bridge of not less than Fifty Feet in clear Width on the Square over the Channel of the said River, and with a clear Headway when closed of not less than Twenty-four Feet above the ordinary High Water at Spring Tides: Provided always, that nothing herein contained shall limit or prevent the Board of Trade from requiring an Arch of a wider Span if they shall think it necessary.

As to Works on Lands over which

22. The Company shall not commence the Construction of any of the Works by this Act authorized upon any Lands vested in the Principal

the Crown have Clearance Rights.

Principal Secretary of State for the War Department, or over which the said Principal Secretary of State for War for the Time being has any Clearance or other Rights under the Defence Act, 1860, until the Plans and Sections of such Works shall have been submitted to and approved by the Secretary of State for War for the Time being or such Engineer or other Person as he may appoint.

As to Junction with Southampton and Netley Railway.

23. The Junction of Railway No. 1. with the authorized Railway from *Southampton* to *Netley* in the Parish of *Hound* shall be made only in such Manner and at such a Point or Points within the Limits of Deviation for the Railway No. 1., shown on the deposited Plan, as the *South-western* Company shall think most safe and convenient for Traffic, and for avoiding Interference with the *Southampton and Netley* Railway and the new Works proposed to be made there, and the Approaches to such Railway and new Works.

Junction with the South-western Railway in the Parish of Fareham not to be made without the Consent of the South-western Company.

24. Notwithstanding anything in this Act contained, any of the Junctions of the Railways in the Parish of *Fareham* with the Railways there of the *South-western* Company shall not be made, nor shall any Lands or Property of the *South-western* Company be taken, used, entered upon, or interfered with for the Purposes of any of the Junctions in this Act mentioned, nor for any Works in connexion therewith, nor for any Road or Approach to be made by the Company under the Powers of this Act, without in every Case the previous Consent of the *South-western* Company in Writing under their Common Seal, and then only on such Terms and Conditions as the Company and the *South-western* Company shall from Time to Time agree on.

South-western Company to run over and use Railways.

25. The *South-western* Company may run over, work, and use, with their Engines and Carriages of every Description, and with their Servants and Officers, the Railways by this Act authorized, together with all Stations, Sidings, Water, Watering Places, Booking Offices, Telegraph Works, and Conveniences whatsoever from Time to Time forming Part of or provided for Use in connexion with the Railways.

Level Crossings.

26. It shall be lawful for the Company in the Construction of the Railway No. 1. to carry the same across and upon the Level of the Road numbered on the said deposited Plans as follows; (that is to say,)

Number of Railway.	Number on Plan.	Parish.	Description of Road.
1	29	Fareham - - -	Public Road.

But no more than a single Line of Railway shall be laid down on such level Crossing so long as the Railway consists of a single Line of Railway,

Railway, and in no Case shall more than a double Line of Railway be laid down on such level Crossing.

Inclination of Roads.

27. In carrying the Roads herein-after specified and numbered on the said deposited Plans as follows over, under, or across the Railways, the Company may make those Roads respectively of any Inclination not steeper than as follows, *viz.*:

Number of Railway.	Number on Plan.	Parish.	Description of Road.	Inclination of Roads.
1	111	Titchfield -	Public Road -	1 in 12.
1	4	Fareham - -	Public Road -	1 in 12.

Bridges for carrying Railways under Roads.

28. The Bridges for carrying the Railways under the Roads herein-after mentioned may be made of such Dimensions as the Company think fit, not being less than those herein-after specified; (that is to say,)

Number of Railway.	Number on Plan.	Parish.	Clear Width of Roadway between Parapets of Bridge and between Fences of Approaches as below, viz.:
1	22	Hound - -	20 Feet.
1	31	Hound - -	15 Feet.
1	46	Titchfield - -	15 Feet.
1	62	Titchfield - -	15 Feet.
1	96	Titchfield - -	15 Feet.
1	114	Titchfield - -	15 Feet.

Security for Completion of Works.

29. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Eight thousand eight hundred and ten Pounds Stock in the Three Pounds *per Centum* Consolidated Bank Annuities has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect to the Application to Parliament for this Act: And whereas the said Sum of Eight thousand eight hundred and ten Pounds Stock represents the Sum of Seven thousand eight hundred and forty Pounds Sterling, which is Eight *per Cent.* on Ninety-eight thousand Pounds, the estimated Expense of the Railways by this Act authorized: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Stock, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless

unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Stock so transferred as aforesaid, and the Interest or Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that if at any Time after the passing of this Act a Bond in twice the Amount of the said Sum of Seven thousand eight hundred and forty Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Seven thousand eight hundred and forty Pounds if the Company shall not, within the Time limited for the Completion of the said Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Stock so transferred as aforesaid, and the Interest or Dividends thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Stock, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed

executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

30. It shall be lawful for the Company to demand and receive any Tolls for the Use of the Railways, not exceeding the following; (that is to say,)

Tolls for Passengers or Cattle.

First, in respect of Passengers and Animals conveyed upon the Railways, or any Part thereof, as follows:

For every Person conveyed in or upon any Carriage the Sum of Twopence *per* Mile, and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

For every Horse, Mule, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

For Cattle, the Sum of Twopence *per* Head *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Penny *per* Mile:

For Calves, Pigs, Sheep, and small Animals, One Penny each *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Mile:

Tonnage on Articles of Merchandise.

Secondly, in respect of the Tonnage of all Articles conveyed upon the Railways, or any Part thereof, as follows:

For all Coals, Coke, Culm, Charcoal, Cannel, Limestone, Chalk, Lime, Salt, Sand, Fireclay, Cinders, Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Bricks, Slag, and Stone, Stones for building, pitching, and paving, Tiles, Slates, and Clay (except Fireclay), and for Wrought Iron not otherwise specifically classed herein, and for heavy Iron Castings, including Railway Chairs, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Iron Castings, *per* Ton

per Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, Sixpence *per* Mile; and a like Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for propelling Power.

31. The Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railways shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken for the Use of the Railways.

Maximum Rate of Charges.

32. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers along the Railways, including the Tolls for the Use of the Railways, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance as aforesaid, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Farthing *per* Mile.

Restriction as to Charges not to apply to Special Trains.

33. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required upon the Railways, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Passengers Luggage.

34. Every Passenger travelling on the Railways may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

35. The

Maximum Rates of Charges for Cattle, Goods, &c.

35. The maximum Rates of Charge to be made by the Company for the Conveyance of Goods along the Railways, including the Tolls for the Use of the Railways and Waggons or Trucks, and for locomotive Power, and every other Expense incidental to such Conveyance, (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company,) shall not exceed the following Sums; (that is to say,)

For every Horse, Mule, and other Beast of Draught or Burden, Fourpence *per* Mile:

For Cattle, Threepence *per* Head *per* Mile:

For Calves, Pigs, Sheep, and small Animals, One Penny Halfpenny *per* Mile:

For all Coal, Coke, and other Articles herein-before classed therewith, One Penny Halfpenny *per* Ton *per* Mile:

For all Iron and other Articles herein-before classed therewith, Twopence *per* Ton *per* Mile:

For all Sugar, Grain, and other Articles herein-before classed therewith, Threepence *per* Ton *per* Mile:

For all Cotton and other Articles herein-before classed therewith, Fourpence *per* Ton *per* Mile:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and One Penny Halfpenny for every additional Quarter of a Ton which such Carriage may weigh.

Regulations as to Tolls.

36. The following Provisions and Regulations shall be applicable to the fixing of such Tolls and Charges; (that is to say,)

For Articles or Persons conveyed on the Railways for a less Distance than Three Miles, the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may demand Tolls on Animals, Minerals, and Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there

there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so on in proportion for any smaller Quantity.

Tolls for small Parcels and single Articles of great Weight.

37. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rate of Tolls prescribed by this Act the Company may lawfully demand Tolls not exceeding the following; (that is to say,)

For the Carriage on the Railways, or any Part thereof, of any Parcel not exceeding Seven Pounds in Weight, Threepence:

For the Carriage of any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Fivepence:

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

And for the Carriage of any Parcel exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Terminal Station.

38. No Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railways which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

39. During

Tolls during Contract.

39. During the Continuance of any Contract or Agreement which may be entered into under the Authority of this Act, the Railways of the Companies Parties to such Agreement shall, for the Purposes of Tolls and Charges, be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways and partly on the Railways of the *South-western* Company respectively for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers for each Mile or Fraction of a Mile beyond Three Miles, Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles, Tolls and Charges as for a Quarter of a Mile only; and no Short-distance Charge other than for Three Miles shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters partly on the Railways and partly on the Railways of the *South-western* Company respectively.

Company may take increased Charges by Agreement.

40. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Traffic Arrangements.

41. The Company and the *South-western* Company may from Time to Time make and enter into and carry into effect any Contracts or Agreements with respect to the following Purposes or any of them; (that is to say,)

The Accommodation, Conveyance, forwarding, Interchange, Regulation, and Management of the Traffic on, to, and from the Railway and the Railways of the *South-western* Company:

The Division between the Company and the *South-western* Company of the Tolls and Fares arising from such Traffic:

The Tolls, Rates, Duties, and Charges, or other Consideration to be charged in respect of such Traffic or to be paid in respect of such User, and the fixing and apportioning of such Tolls, Rates, Duties, and Charges, or other Consideration, or any of them:

The Use and working by the *South-western* Company of the Railways and the Works and Conveniences connected therewith:

The Passage over the Railways of the Engines and Carriages of the *South-western* Company:

The Supply of Engines, Carriages, and Rolling Stock by the *South-western* Company for or in respect of the Railway.

Terms of User.

42. The Terms and Conditions and the Regulations to be observed and fulfilled for and in respect of the User by the *South-western* Company of the Railways, and of the Stations, Sidings, Water, Watering Places, Booking Offices, Telegraph Works, and Conveniences, and the Tolls, Rates, and Charges to be paid in respect of the User, shall be such as may from Time to Time be agreed on between the Company and the *South-western* Company, or as in case of Difference shall be determined by Arbitration according to the "Railway Companies Arbitration Act, 1859," by a single Arbitrator to be in case of Difference appointed by the Board of Trade.

Saving Rights.

43. Except as is by this Act expressly provided, nothing herein contained shall take away, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *South-western* Company.

Saving Rights of the Crown.

44. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving the Rights of the Company of Proprietors of Bursledon Bridge and Roads.

45. And notwithstanding anything in this Act contained, except only so far as is requisite for the making, maintaining, managing, regulating, working, and using of the Railway and the Works connected therewith, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company of Proprietors of *Bursledon Bridge* and Roads; and the Railway and Viaduct or other Works connected therewith across the River *Bursledon* or *Hamble* shall be used for Railway Purposes only, and not for the Accommodation of Foot Passengers or any other Description of Traffic.

Interest or Dividend not to be paid on Calls.

46. It shall not be lawful for the Company, out of any Money by this Act 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:

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.

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

47. 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 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.

48. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company, or any other Company to which this Act relates, 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.

Expenses of Act.

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

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