CHAPTER cxcvii.

An Act for the making of a Railway from the London and South-western Railway near the Fareham Station to Hill Head Harbour in the parish of Titchfield, in the county of Southampton; and for other purposes. [7th August 1874.] A.D. 1874.

WHEREAS the making and maintaining of a railway from the London and South-western Railway near to Fareham Station to Hill Head Harbour would be of public and local advantage:

And whereas it is expedient that the Company incorporated by this Act should be authorised to run over, work, and use the railways or portions of railways herein-after mentioned of the London and South-western Railway Company (herein-after called the South-western Company):

And whereas plans and sections showing the lines and levels of the proposed railway and the lands by this Act authorised to be acquired for the purposes thereof, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Southampton, and those plans, sections, and that book of reference are in this Act referred to as the deposited plans, sections, and book 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:

1. This Act may be cited for all purposes as "The Fareham Railway Act, 1874." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. (relating to cancellation and surrender of shares) and III. (relating Provisions of certain general Acts incorporated.

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to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" and "the undertakers" mean respectively the railway and the undertaking by this Act authorised and the Company; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, 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.

Company incorporated.

4. Alexander More, James Withers, and William Axon Mansell, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Fareham Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway 3 miles 3 furlongs and 1 chain in length, commencing in the parish of Fareham, in the county of Southampton, by a junction with the railway of the South-western Company, at a point thereon 40 chains, measured in a southerly direction along the South-western Railway, from the south side of the Fareham

Station, and terminating in the bed of the sea, below low-water mark, near a point 500 yards or thereabouts, measured in a south-westerly direction, from the south and east angles of the bridge carrying the road over the flood gates at Hill Head for the protection of Titchfield Haven.

Power to dam up old channel to Hill Head Harbour.

6. In constructing the railway the Company, in the manner shown upon the deposited plans and sections, may dam or stop the old channel to Hill Head Harbour which is situate at Hill Head Harbour, on the east side of the said harbour.

For protection of Southampton Port and Harbour.

7. The Company, before they commence the construction of that part of the railway which will be situate below high-water mark of ordinary spring tides and within the limits of the jurisdiction of the Southampton Harbour and Pier Board, or interfere with the old channel to Hill Head Harbour or any part thereof, shall submit to the engineer for the time being of the Southampton Harbour and Pier Board, for his approval, plans, sections, and working drawings of the works below high-water mark, and those works shall be executed by the Company to the reasonable satisfaction of such engineer, and the Company shall not stop up or otherwise interfere with the before-mentioned old channel to Hill Head Harbour until they have previously constructed, to the reasonable satisfaction of the said engineer, another channel in lieu thereof.

As to communication with the South-western Railway.

8. The communication between the railway by this Act authorised and the Gosport branch of the London and South-western Railway (herein-after called the Gosport branch), and all openings in the rails of the Gosport branch, shall be made only at such point or points thereon as the South-western Company do by writing under their common seal approve, and all such communications and openings, and all sidings, side lines, and works at or near the junction hereby authorised with the Gosport branch which may be made for the reception, accommodation, and delivery of the traffic of the Company, whether on the land of the Company or on the land of the South-western Company, shall be made by the South-western Company at the sole expense of the Company, and, except only so far as the Company and the South-western Company otherwise agree, or according to the terms and conditions from time to time agreed on between them, the same shall be for ever thereafter maintained and kept in good repair by the South-western Company at the expense of the Company, and all such communications, openings, and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the Gosport branch, or the works or property of the South-western Company, or interfere with the traffic on the Gosport branch, or the free and uninterrupted use thereof by that company.

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South-western Company may erect signals, &c.

9. The South-western Company from time to time may erect such signals and conveniences incident thereto, and appoint and remove such watchmen, switchmen, or other persons as that company may deem necessary for the prevention of danger to or interference with the traffic at and near the junction between the railway and the Gosport branch, and the working and management of the junction and of such signals and conveniences, whether on lands of the South-western Company or on land of the Company, shall be under the exclusive management and regulation of the South-western Company, and all the expense of making and maintaining the junction and such signals and conveniences, and the wages of such watchmen, switchmen, and other persons, and all incidental current expenses, shall be repaid by the Company to the South-western Company, as regards the expense of erection at the end of the current half-year in which the same is incurred, and as regards all such other expenses and wages at the end of every half-year, and in default of such repayment the amount of such expenses and wages may be recovered from the Company by the South-western Company in any court of competent jurisdiction.

Land of the South-western Company not to be taken without consent.

10. No land belonging to the South-western Company shall be taken by the Company without the consent in writing of the South-western Company under their common seal first had and obtained: Provided always, that the Company may purchase and take from the South-western Company, and that company shall, if so required by the Company, grant in perpetuity to the Company, an easement or right of using for the purposes of the intended junction of the railway with the Gosport branch, and for the purpose of the works and conveniences necessary in connexion with the said junction, such parts of the lands of the South-western Company as are necessary for those purposes.

Saving rights of the South-western Company.

11. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the South-western Company.

Saving rights of the Southampton Harbour and Pier Board.

12. Except as may be by this Act expressly provided, this Act, or anything therein contained, shall not extend, take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the Southampton Harbour and Pier Board.

Capital.

13. The capital of the Company shall be forty thousand pounds in four hundred shares of ten pounds each.

Shares not to issue until one

14. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person

or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

fifth paid up.

15. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

16. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge of the Company.

Receipts for persons under disability.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirteen thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of forty thousand pounds is issued and accepted and one half thereof is paid up, and the Company 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 such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to borrow on mortgage.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

19. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any

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time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

20. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

21. The first ordinary meeting of the Company shall be held within six months from the passing of this Act.

Number of directors.

22. The number of directors shall be three.

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

24. The quorum of a meeting of directors shall be two.

First directors.

25. Alexander More, James Withers, and William Axon Mansell shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extraordinary purposes.

26. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed three acres.

Powers for compulsory purchases limited.

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Power to cross certain roads on the level.

28. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards

with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.
13	Titchfield - -	Public road.
29	Titchfield - -	Public road.
70	Titchfield - -	Public road.

Provided that a bridge shall be constructed in lieu of a level crossing over the road No. 29, in the parish of Titchfield, in the event of the Company not stopping every train at that road, and the Company, if required to construct a bridge, shall stop every train at that road until the bridge is constructed and opened.

Width of certain roadways.

29. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
13	Titchfield - -	Public road -	16 feet.
29	Titchfield - -	Public road -	20 feet.
70	Titchfield - -	Public road -	16 feet.

Saving rights of the Crown in the foreshore.

30. Nothing contained in this Act shall authorise the Company to take, use, or in any manner to interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

31. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of two thousand one hundred and sixty-eight pounds three per centum consolidated annuities Government stock, equal in value to five per centum upon forty thousand pounds, the amount of the estimate in respect of the

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undertaking, has been transferred to the account of Her Majesty's Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of stock so transferred as aforesaid in respect of the application for this Act shall not be 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 the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, either open the same for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised 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 railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, 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.

Application of deposit.

32. The said sum of stock transferred as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit, and if no such compensation shall be payable, or if a portion of the said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the appli-

cation of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of stock has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid 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.

Period for completion of works.

33. If the railway is not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls for passengers.

34. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers conveyed on the railway or any part thereof, as follows:

For every person conveyed on the railway, not exceeding twopence per mile; and if conveyed in or upon any carriage provided by the Company, an additional sum not exceeding one halfpenny per mile.

Tolls for animals, &c.

In respect of animals conveyed upon the railway or any part thereof, as follows:

Class 1. For every horse fourpence, and for every mule, ass, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any waggon provided by the Company, an additional sum not exceeding one penny per mile:

Class 2. For every ox, bull, cow, or neat cattle, twopence per mile; and if conveyed in a waggon provided by the Company, an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, or other small animal, not exceeding one penny per mile; and if conveyed in or upon any waggon provided by the Company, an additional sum not exceeding one penny per mile.

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Tonnage on articles of merchandise.

In respect of goods conveyed on the railway or upon any part thereof:

Class 4. For all coals, coke, culm, charcoal, and cinders, compost, dung, and all sorts of manure, lime and limestone, chalk, and all undressed materials for the repair of roads and highways, and for all stones for building, pitching, and paving, and all bricks, tiles, slates, clay, and sand, ironstone, iron ore, pig iron, bar iron, rod iron, hoop iron, and all other descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, not exceeding twopence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum not exceeding one penny per ton per mile:

Class 5. For all sugar, grain, corn, flour, hides, dye-woods, earthenware, timber, staves, deals, metals (except iron), anvils, vices, and chains, not exceeding twopence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one penny:

Class 6. For all cotton and other wools, silk, indigo, cinnamon and other spices, oranges, lemons, and other fruit not dried, eggs, fish, poultry, meat, and all other articles of a perishable or consumable nature, not exceeding threepence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum not exceeding one penny per ton per mile:

Class 7. And for every carriage of whatever description (not being a carriage adapted and used for travelling on a railway, and not weighing more than two tons), not exceeding fourpence per mile; and if any such carriage be conveyed on a truck or platform provided by the Company, an additional sum not exceeding one penny per mile; and for every additional quarter of a ton or fractional part of a quarter of a ton above two tons which any such carriage may weigh, a further penny per mile.

Tolls for propelling power.

35. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, or for each carriage, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

36. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway 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 and charges on animals and goods for such fraction in proportion to the numbers 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 tolls according to the number of quarters of a ton in such fraction, and if 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, elm, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

37. With respect to small parcels not exceeding five hundred pounds in weight, and small articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway or any part thereof:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen and not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight and not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six and not exceeding five hundredweight, any sum the Company think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railways:

For the carriage of any single article or thing the weight of which exceeds four tons but does not exceed eight tons, the Company may demand and take for the use of the

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railway, including truck and locomotive or other power, any sum not exceeding eightpence per ton per mile; and if more than one carriage or truck be employed in the conveyance of such thing, an additional sum per ton per mile not exceeding one penny in respect of each carriage or truck beyond the first so employed:

For the carriage of any single article or thing the weight of which exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum rates for passengers.

38. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum rates for animals and goods.

39. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For everything mentioned under Class 1, not exceeding fourpence per mile:

For everything mentioned under Class 2, not exceeding threepence per mile:

For everything mentioned under Class 3, not exceeding twopence per mile:

For everything mentioned under Class 4, not exceeding one penny halfpenny per ton per mile:

For everything mentioned under Class 5, not exceeding fourpence per ton per mile:

For everything mentioned under Class 6, not exceeding fivepence per ton per mile:

For any carriage mentioned under Class 7 not weighing more than two tons, not exceeding sixpence per mile; and if weighing more than two tons, for every quarter of a ton or fractional part of a quarter of a ton beyond the second ton not exceeding one penny halfpenny.

Passengers luggage.

40. Every passenger travelling upon the railway may take with him his ordinary or personal 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.

Terminal station.

41. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

42. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway (in respect of which the Company may make such charges as they think fit), but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

43. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to use other undertakings.

44. It shall be lawful for the Company and the South-western Company respectively, for the purposes of traffic of all kinds, to run over and use in perpetuity, with their engines, carriages, and waggons of every description, and with their officers and servants in charge of engines or trains, the railways or portions of railways following; that is to say,

As to the Company—

So much of the railway of the South-western Company as lies between the point of junction of the railway with that company's railway and the Fareham Station:

As to the South-western Company—

The railway of the Company and all or any stations which may be erected thereon or used in connexion therewith:

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Together with all sidings, tramways, buildings, offices, warehouses, landing places, platforms, water, watering places, telegraphs, signals, machinery, approaches, junctions, points, works, and conveniences on or connected with the railway and stations of the Company and the Fareham Station of the South-western Company respectively.

Officers and men from Queen's ships not to be charged except for use of the railway.

45. The Company shall not make any charge upon or in respect of any officer or man in any branch of Her Majesty's service, or any workman or boy for the time being employed in any branch of Her Majesty's service, who may come from or go on board any of Her Majesty's ships, hired transports, training ships, or hospital ships when on duty to or from any land which the Company may acquire under the powers of this Act, but nothing herein contained shall prevent the Company from charging the proper fare in every such case for the use of the railway.

Terms of running powers.

46. The terms, conditions, and regulations to which the Company and the South-western Company shall be subject in respect of the said running over and user shall, if not agreed on between the Company and the South-western Company, as the case may be, be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of any party in difference, and the decisions of any such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct.

Short-distance charges in connexion with running powers.

47. In relation to the powers conferred by this Act of running over and using the said railway, stations, and conveniences, the railway and the South-western Railway 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 railway and partly on the railways so run over and used for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals 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 other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways so passed over and used.

Byelaws to be observed.

48. The Company and the South-western Company, and their servants, in running over and using any portion of the railway or railways of either company under the provisions in this Act contained, shall at all times observe the regulations and byelaws of the company whose railways or portion of railway they may use for the

time being in force, so far as such byelaws shall be applicable to the Company and to the South-western Company respectively: Provided also, that the powers conferred by this Act of running over and using any portion of the railway or railways of either company shall not be transferred to (or exercised by) any other company or person by either of the companies without the consent in writing of the other of such companies under its common seal.

Interest not to be paid on calls paid up.

49. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposit for future Bills not to be paid out of capital.

50. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Company or railway not exempt from provisions of present and future general Acts.

51. Nothing herein contained shall be deemed or construed to exempt the Company or the railway from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

52. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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