ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxviii.

An Act to enable the Company of Proprietors of the *Hayling Bridge* and Causeway to construct a Railway from their Docks and Wharves at *Langstone* to join the *London, Brighton, and South Coast* Railway at *Havant* in the County of *Southampton*. [3*d July* 1851.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for building a Bridge and making a Causeway from* Langstone *in the Parish of* Havant *in the County of* Southampton *to* Hayling Island *in the Parish of* Hayling North *in the said County, at or near a certain House there called the* Ferry House, *and for forming and making proper Roads, Approaches, and Avenues thereto*, a Company were incorporated by the Name of "The Company of Proprietors of the *Hayling Bridge* and Causeway," and such Company have constructed the Bridge and Causeway by such Act authorized to be made: And whereas by such Act the Company are authorized to construct proper and convenient Docks, Wharves, Quays, or Landing Places on either Side of *Langstone* Harbour, adjoining or near the said Bridge and Causeway, for the shipping 4 G. 4. c. 9.

shipping and landing of Goods, Wares, Merchandise, and other Things into and out of Ships, Barges, and other Vessels navigating or using the said Harbour, and also to erect and construct other Works connected therewith: And whereas, in pursuance of such Powers, the Company have from Time to Time constructed a Dock, with a Channel thereto, on the Eastern Side of the said Bridge and Causeway, and a Wharf, with Berthing for Vessels, on the Western Side of the said Bridge and Causeway, and other Works for the convenient loading and unloading of Vessels; and the whole of the Shares in the Capital of the Company were subscribed for, and the Amount thereof called up, but in respect of certain of such Shares the full Amount of the Calls was not paid, and such Shares have been forfeited, and have not been re-issued, and the Company have expended all the Sums so raised by Shares, and also other Sums of Money, in the Execution of the Works: And whereas the making a Line of Railway, with proper Works and Conveniences connected therewith, from the present Wharves and Docks, to join the *London, Brighton, and South Coast* Railway at the Town of *Havant*, would be of great Advantage to the Inhabitants of such Town and other Places on the Line of the *London, Brighton, and South Coast* Railway, by facilitating the Communication and the Conveyance of Goods and Merchandise to and from the said Docks and Wharves, and the Company are desirous of making the said Railway: And whereas it is expedient that the recited Act should be amended, that the Company should be empowered to raise a further Sum of Money; 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, as follows; (that is to say,)

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

I. That the Lands Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Hayling Bridge* and Causeway (Railway to *Havant*) Act, 1851."

Power to Company to make Railway.

III. That it shall be lawful for the Company to make and maintain a Railway to communicate with the Line of the *London, Brighton, and South Coast* Railway, commencing from or near such Bridge and Causeway at or near the Toll House there situate in the Parish of *Havant*, and terminating at or near a Point on the said *London, Brighton, and South Coast* Railway where the said Railway crosses a Lane

a Lane called *New Lane*, in the Parishes of *Havant* and *Warblington*, or One of them, in the County of *Southampton*, together with all proper Works and Conveniences connected therewith.

Power to make Railway and Works according to deposited Plans.

IV. And whereas a Plan and Section of the said Railway, showing the Line and Levels thereof, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Southampton*: Be it enacted, That, subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to cross Roads on the Level.

V. That the following Turnpike and public Roads described in the deposited Plans by the Numbers herein-after mentioned may be crossed on the Level, that is to say, the public Roads numbered 5, 52, and 54 in the Parish of *Havant*, and the Turnpike Road numbered 21 in the Parish of *Havant* and 11 in the Parish of *Warblington*.

Engines not to be used on Railway.

VI. That the Company shall not use the Railway with Carriages propelled by Steam or by Atmospheric Agency, or drawn by Ropes in connexion with a stationary Steam Engine; and if the Company use the said Railway with Carriages drawn or propelled as aforesaid they shall forfeit for every such Offence the Sum of Twenty Pounds. Penalty.

As to Communication with London, Brighton, and South Coast Railway.

VII. That the Junction with the *London, Brighton, and South Coast* Railway hereby authorized to be made, and all such Works as may be necessary or convenient for effecting such Communication, shall be made under the Direction or Superintendence of the Engineer for the Time being of the said *London, Brighton, and South Coast* Railway Company.

Not to take Lands, &c. of the above-named Company, without Consent.

VIII. That nothing in this Act contained shall extend to authorize or enable the Company to take or enter upon any of the Lands now belonging to the *London, Brighton, and South Coast* Railway Company, or to alter, vary, or interfere with the said *London, Brighton, and South Coast* Railway, or any of the Works thereof respectively, further or otherwise than is herein expressly authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

IX. That

Saving Rights of the above-named Company.

IX. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *London, Brighton, and South Coast* Railway Company.

Period within which Lands are to be purchased.

X. That 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.

Period for Completion of Works.

XI. That the said Railway and Works which the Company are authorized to make by this Act shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Railway and other Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway and other Works as shall then be completed.

Power to take Tolls on Railway.

XII. That it shall be lawful for the Company to demand for the Use of the Railway, in respect of the several Articles, Matters, and Things herein-after mentioned, conveyed on the Railway, any Sums not exceeding the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Gravel, Shingle, Pebbles, Marl, Chalk, Sand, Lime and Limestone, and Salt, and all undressed Materials for the Repair of public Roads or Highways, and all Coals, Coke, Culm, Charcoal, Cinders, Building, Pitching, Cement, and Paving Stones, dressed, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Castings not manufactured into Utensils or other Articles of Merchandise, the Sum of Sixpence *per* Ton:

For all Sugar, Grain, Corn, Flour, Dyewood, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and all Cotton and other Wools, Hides, Drugs, manufactured Goods, and other Wares and Merchandise, Fruit and Fish, and all other Articles, Matters, or Things, the Sum of Eightpence *per* Ton:

For all Beasts and Calves the Sum of Twopence *per* Head, and for all Pigs, Sheep, and Lambs the Sum of One Penny *per* Head:

And such Sums shall be payable whether the Articles, Matters, or Things be conveyed over the whole or a Part only of the Railway; and the Company shall not be bound to provide Carriages, Trucks, Waggons, or Motive Power, or to undertake the loading or unloading of any such Carriages, Waggons, or Trucks.

XIII. That

Regulations as to Tolls.

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

For the Fraction of a Ton the Company may demand Toll 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, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XIV. With respect to small Packages, and single Articles of great Weight, the Company may, notwithstanding the Rate of the Tolls prescribed by this Act, lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels as follows; that is to say,

For any Parcel not exceeding Fourteen Pounds in Weight, such Sum as they may think fit, not exceeding Twopence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, such Sum as they may think fit, not exceeding Threepence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, such Sum as they may think fit, not exceeding Fourpence:

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, such Sum as they may think fit, not exceeding Sixpence:

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 may think fit, not exceeding Eightpence *per* Ton:

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 may think fit.

Weights allowed to be carried over Bridge limited.

XV. That no Waggon, Cart, or other Carriage shall be allowed to come on or pass over the Bridge or Causeway with a greater Weight than Three Tons over and above the Weight of such Waggon, Cart, or other Carriage, under a Penalty not exceeding Two Pounds, to be forfeited and paid by the Owner of such Waggon, Cart, or other Carriage to the Company, for every Time such Waggon, Cart, or other Carriage shall come upon or pass over the Bridge or Causeway with a greater Weight than Three Tons over and above the Weight of such Waggon, Cart, or other Carriage, which said Penalty shall and may from Time to Time be levied and recovered in the Manner provided by the said recited Act, or by the Railway Clauses Consolidation Act, 1845.

Power to erect Weighing Machines.

XVI. That it shall be lawful for the Company to cause to be erected at or near the Bridge or Causeway, or Toll Gates thereon, or at such Distance as they shall think expedient, One or more Cranes or Weighing Machines, proper for the weighing of Waggons and other Carriages conveying Goods, Wares, or other Articles whatsoever.

Toll Keeper may weigh Carriages, &c.

XVII. That the Keeper of the said Weighing Machine or Toll Gate, or any other Person to be appointed by the Company or by their Lessee, may require every Driver or Conductor of any Waggon, Cart, or other Carriage which shall have passed or be intended to pass over the Bridge or Causeway, and which he shall suspect to carry a greater Weight than Three Tons, to be weighed at such Crane or Weighing Machine as aforesaid; and if any such Driver, Conductor, or Owner of such Waggon, Cart, or other Carriage shall refuse to allow the same to be weighed, or shall resist any Gate Keeper, Toll Keeper, or Toll Collector in weighing the same, every such Owner, Driver, or Conductor shall forfeit and pay to the Company any Sum not exceeding Five Pounds, to be levied and enforced in the same Manner as any Toll or other Penalty may by this Act, or the said Railway Clauses Consolidation Act, 1845, be levied and enforced.

As to Share and Loan Capital authorized by recited Act.

XVIII. And whereas the original Share Capital of the Company was Twelve thousand Pounds, and the present Share Capital of the Company upon which all Calls have been paid amounts to the Sum of Nine thousand five hundred Pounds, divided into One hundred and ninety Shares of Fifty Pounds each, and the Remainder of the Shares have been forfeited: And whereas the Company were authorized to raise by Mortgage the Sum of Four thousand Pounds, in case the Capital of Twelve thousand Pounds was insufficient; but Doubts have arisen whether such Power can be exercised until the full Sum of Twelve thousand Pounds has been paid up: Be it enacted, That all forfeited Shares, and all Money paid thereon, shall merge in and form Part of the Capital of the Company; and the Share Capital of the

Company raised under the Powers of the recited Act shall be Nine thousand five hundred Pounds; and it shall be lawful for the Company, at any Time after the passing of this Act, to raise by Mortgage or Bond, in manner authorized by the recited Act, upon the Security of the Rates and Tolls by such Act granted, any Sum of Money not exceeding Three thousand Pounds, and such Sum shall be in substitution of the Sum of Four thousand Pounds authorized to be raised by the recited Act, and shall be applied for the Purposes of the recited Act only; and it shall not be lawful for the Company to raise the said Sum of Four thousand Pounds authorized by the recited Act.

Power to raise additional Money by Creation of new Shares.

XIX. That it shall be lawful for the Company to raise by the Creation of new Shares in the said Company, in addition to the Sum of Money which they have already raised by Shares, any further Sum of Money not exceeding in the whole the Sum of Five thousand Pounds.

New Shares to be considered same as original Shares.

XX. That the Capital so to be raised by the Creation of new Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls respectively, which it shall be lawful for the Committee of Management of the Company from Time to Time to fix as they shall think fit: Provided always, that the greatest Amount of any One Call which the Company may make on such new Shares shall not exceed the Rate of Ten Pounds *per Centum* upon the Amount of such Shares, and that there shall be an Interval of Two Calendar Months at least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call, and the aggregate Amount of Calls upon any One Share in any One Year shall not exceed Two Thirds of the Amount of such Share.

As to voting in respect of new Shares.

XXI. And in respect to the Votes at Meetings of the Company, be it enacted, That in respect of new Shares the Proprietors thereof shall have the same Number of Votes which the Amount of Capital represented by such new Shares would have entitled them to if they had been possessed of the same Amount in original Shares.

Power to borrow Money on Mortgage.

XXII. That after the whole of the Share Capital by this Act authorized to be created shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Sum of Three thousand Pounds herein-before authorized to be raised, any Sum not exceeding

exceeding in the whole the Sum of One thousand six hundred Pounds.

Mortgages under former Act to have Priority.

XXIII. That all Sums raised by Mortgage or Annuity under the recited Act shall have Priority over the Sums authorized to be raised by Mortgage or Bond under this Act; and the Company shall not raise under the Powers of the recited Act any further Sum by way of Annuity.

Mortgages, &c. to be duly stamped.

XXIV. That every Mortgage or Bond to be granted or made by virtue of the said recited Act or this Act shall be by Deed according to the Form contained in the said recited Act, under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated.

Transfer of Mortgages to be by Deed duly stamped.

XXV. That from Time to Time any Party entitled to any Mortgage or Bond granted under the Powers of the said recited Act and this Act may transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated.

Transfer of Interest to be stamped.

XXVI. That the Interest on any Mortgage or Bond shall not be transferable except by Deed duly stamped.

Application of Money raised.

XXVII. That the further Sum of Money authorized to be raised by Shares by virtue of this Act, and the Sum of One thousand six hundred Pounds authorized to be raised by Mortgage or Bond, or any Part thereof, as aforesaid, shall be applied only in executing the Works by this Act authorized to be made.

Company not to obstruct Passage through Swing Bridge.

XXVIII. That nothing herein contained shall extend or be construed to extend to allow the Company of Proprietors acting under this Act in any Manner to obstruct the Passage of or injure or damage the Cut made by the Company of Proprietors of the *Portsmouth and Arundel* Navigation, in, through, or between the said Two Harbours, nor shall anything herein contained extend or be construed to extend to lessen or abate, or in any Manner to affect or prejudice, the Rights, Powers, or Privileges of the said last-mentioned Company of Proprietors: Provided further, that the said *Hayling* Bridge and Causeway Company shall and are hereby required from Time to Time and at all Times to allow the said Bridge to be opened and kept open for such reasonable Period as may be necessary to allow and shall allow all Ships and Vessels to pass through the same, without Let or Hindrance, and without Payment of any Tolls or Dues, when and so soon as such Ships and Vessels shall have worked up to the said Bridge, and the Parties in charge of or navigating such Ships or Vessels

Vessels shall require such Ships or Vessels to pass through such Bridge.

Company not to deviate from centre Line without Consent of Admiralty.

XXIX. That in constructing the said Railway where the Limits of Deviation of the same trench upon the Waterway the same shall be constructed according to the central Black Line shown on the Plan deposited at the Admiralty, unless the said Lord High Admiral or the said Commissioners shall otherwise permit, by Writing under the Hand of the Secretary of the Admiralty, and if so otherwise permitted the same shall be constructed only in accordance with such Permission.

Interpretation of Term "Company."

XXX. That in this Act, whenever the Words "the Company" are used, the same shall be held to mean "the Company of Proprietors of the *Hayling* Bridge and Causeway."

Interest not to be paid on Calls paid up.

XXXI. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Company 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: 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 the Company's Capital.

XXXII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said 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 and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and

XXXIII. 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 another Act was passed in the Eighth Year of the Reign of

9 & 10 Vict. cc. 57. & 105.

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 Ninth and Tenth Years of the Reign of Her said Majesty, 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 Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway not exempt from Provisions of any future General Act.

XXXIV. That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Acts 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 by this Act.

Clause of recited Act as to Limitation of Actions repealed.

XXXV. That the Provision of the first-recited Act as to the Limitation of Actions, being the Ninety-fifth Section of the said Act, shall be and is hereby repealed.

Expenses of Act.

XXXVI. That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, or otherwise relating thereto, shall be paid by the Company.

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