ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxxvii.

An Act for enabling the *Hayling* Railways Company to make and maintain Railways in Extension of their authorized Railways, and to make and maintain Docks, and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.

[14th *July* 1864.]

WHEREAS by the "*Hayling* Railways Act, 1860," (in this Act called "the Act of 1860,") "the *Hayling* Railways Company" (in this Act called "the Company") were incorporated, and were authorized to raise a Capital of Fifty thousand Pounds, in Five thousand Shares of Ten Pounds each, and to borrow on Mortgage not exceeding Sixteen thousand six hundred Pounds, and to make and maintain Two Railways therein specified: And whereas the Company are executing the Works authorized by the Act of 1860: And whereas the making and maintaining of the Railways and Works by this Act authorized (in this Act called "the Extension Lines") as Extensions of the authorized Railways of the Company, and in connexion with the same, would be of public Advantage, and the Company are willing and it is expedient that they be authorized 23 & 24 Vict. c. clxvi.

to make and maintain them accordingly: And whereas it is expedient that the Company should be authorized to make Docks, Landing Places, Stages, and Works in connexion with their Railways (hereinafter called "the Docks Undertaking"): And whereas it is expedient that for the Purposes of this Act the Company be authorized to raise further Monies, and that the Time for executing a Part of their Works should be extended: And whereas it is expedient that the Company's Railway Undertakings under the recited Act and this Act, and their Docks Undertaking under this Act, be, with respect to Capital and Revenue and Outlay, carried on as separate and distinct Undertakings: And whereas it is expedient that the *London and South-western* Railway Company (in this Act called the *South-western* Company), and the *London, Brighton, and South Coast* Railway Company (in this Act called the *Brighton* Company), should be authorized to enter into Traffic Arrangements with the Company in respect to their Railway Undertakings: And whereas Plans and Sections of the Railways, Docks Undertaking, and Works by this Act authorized showing the Lines and Levels thereof and the Lands in which the same will be made, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Southampton*, and the same are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Hayling* Railway and Docks Act, 1864."

8 & 9 Vict. cc. 18. & 20., 10 & 11 Vict. c. 27., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Parts 1, 2, and 3 of "The Railways Clauses Act, 1863," and Parts 1, 2, and 3 of "The Companies Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," (save so far as any of the Sections and Provisions of those Acts respectively are by this Act expressly varied or excepted,) are respectively incorporated with this Act.

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

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

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer and Transmission of Shares:

With

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:
With respect to the Forfeiture of Shares upon Nonpayment of Calls:
With respect to the Remedies of Creditors of the Company against the Shareholders:
With respect to the borrowing of Money by the Company upon Mortgage or Bond:
With respect to the Conversion of the borrowed Money into Capital:
With respect to the Consolidation of the Shares into Stock:
With respect to affording Access to the Special Act.

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

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take Lands for Purposes of Act.

5. The Company may enter upon, take, and use for the Purposes of this Act such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference thereto as they think requisite.

Powers for compulsory Purchases limited.

6. The Powers of the Company under this Act for the compulsory Purchase of Lands with respect to the Railways by this Act authorized shall not be exercised after the Expiration of Two Years after the passing of this Act, and with respect to the Docks Undertaking those Powers shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

7. In addition to the other Lands which the Company are authorized to purchase, they from Time to Time by Agreement may purchase or acquire for any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act, any Quantity of Land not exceeding One Acre for the Extension Lines and Three Acres for the Docks Undertaking.

Power to make Extension Lines, Docks, and other Works.

8. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Extension Lines and the Docks Undertaking and Works by this Act authorized, and so far as they are shown on the deposited Plans may make and maintain them in the Lines and according to the Levels and in and upon the Lands respectively shown on the deposited Plans and Sections.

Extension Lines authorized.

9. The Extension Lines by this Act authorized comprise the following Railways and Works, with all proper and sufficient Sidings, Stations,

Stations, Buildings, Yards, Approaches, Works, and Conveniences connected therewith; (that is to say,)

(A.) A Railway (No. 1.) wholly in the Parish of *South Hayling*, commencing by a Junction with the authorized Line of the Company's Railway at or near a Point near *Hayling Ferry*, marked Four Miles Six Furlongs Nine Chains Twenty-five Links on the Plans deposited with the Clerk of the Peace for the County of *Southampton* previous to the Application for "The *Hayling* Railways Act, 1860," and terminating at or near a Place called *Sea View Terrace*, near the Esplanade of *South Hayling* aforesaid:

(B.) A Railway (No. 2.) commencing by a Junction with the *London, Brighton, and South Coast* Railway at the East End of the Platform of the *Havant* Station in the Parish of *Havant*, and terminating by a Junction with the Railway No. 1. authorized by the said "*Hayling* Railways Act, 1860," at or near a Point Two Furlongs and Seven Chains distant from the Commencement of such Railway No. 1.

Roads may be crossed on the Level.

10. In constructing the Railway the Company may carry the same over the following Roads on the Level:

No. on Plan.	Parish.	Description of Road.
32	South Hayling -	Public Road.
5	Havant - -	Public Road called New Lane.

But no more than a single Line of Railway shall be laid down so long as the Railway consists of a single Line of Railway, and in no Case shall there be more than a double Line of Railway at any such level Crossing.

Power to make Docks.

11. The Docks Undertaking and Works to be executed under the Authority of this Act are as follows; *viz.*,

A Dock and a Harbour, and a Canal or Channel for connecting such Dock and Harbour with the deep Water of *Hayling* otherwise *Langston* Harbour, with all suitable and requisite Piers, Locks, Basins, Gates, Sluices, Entrances, Culverts, Embankments, Wharves, Quays, Landings, Staiths, Drops, Tramways, Railways, Warehouses, Buildings, Machinery, and other necessary Works, all which said Docks, Harbours, and Works are adjoining to the Commencement of the Railway No. 1. hereby authorized, and in the Parishes or Extra-parochial Places of *North* and *South Hayling* and *Hayling* Harbour, or some of them.

12. The

Period for Completion of Extension Lines.

12. The Extension Lines shall be completed and opened for public Use within Two Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for the making of the Extension Lines, or otherwise in relation thereto, shall cease to be exercised, except with respect to so much thereof as is then completed; and the Docks Undertaking shall be completed and opened within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for the making of the Docks Undertaking, or otherwise in relation thereto, shall cease to be exercised, except with respect to so much thereof as is then completed.

Time extended for making Railways.

13. The Period limited by the "Act of 1860" for the Completion of the Railways authorized by the "Act of 1860" shall be and the same is hereby extended and enlarged until the Expiration of Two Years from the passing of this Act, and on the Expiration of that Period the Powers granted to the Company for constructing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided that nothing herein contained shall be construed or deemed to release the Company from any Obligation entered into under the 25th Clause of the "Act of 1860;" provided also, and notwithstanding anything in this Act contained, if the Company shall at any Time hereafter receive Notice in Writing from the *South-western* Company under their Common Seal requiring them to make the Railway No. 2. by the "Act of 1860" authorized, the Company shall, at their own Expense, and within Six Months after the Receipt of such Notice, make and complete the same, and thereafter keep and maintain that Railway No. 2. in a State of Efficiency equal in all respects to the Condition of the Railway No. 1. by that Act authorized.

South-western Company to run over Extension Railways.

14. The Provisions contained in "The *Hayling* Railways Act, 1860," empowering the *South-western* Company to use the Railways thereby authorized, together with the Stations and Conveniences connected therewith, and relating to the Transmission of Passengers and Goods, and to the Repayment by the *South-western* Company of the Expenses incidental thereto respectively, and to the other like Matters therein specified, shall extend and be applicable to the Railways by this Act authorized as fully in all respects as if the same were herein expressly repeated.

Power to London, Brighton, and South Coast Company to run over Railway.

15. The *Brighton* Company may run and pass over, and work and use, with their own Engines and Carriages the Railways for the Time being of the Company, together with the Stations, Watering Places, Water Sidings, Platforms, Booking and other Offices, Works, Warehouses, Buildings, Conveniences, and Accommodations upon the same and

and connected therewith, and the Company shall afford all reasonable Accommodation and Facilities at their Stations for the Reception, Transmission, Protection, Booking, and Conveyance of all Passengers and Goods passing, or being about or intended to pass, to or from the Railways for the Time being of the Company from or to the *London, Brighton, and South Coast* Railway, and the Expenses incurred by the Company in providing or giving such Accommodation and Facilities shall be repaid by the *Brighton* Company, and the Amount of such Expenses shall, in case of Difference between the Companies, be determined in the Manner herein-after provided.

Terms for User of such Railway.

16. If any Difference shall arise between the Companies as to the Tolls, Charges, or other Consideration to be paid and the Terms and Conditions to be observed by the *Brighton* Company for and in respect of the Working and User of the Railways of the Company and the Works and Conveniences thereof, or as to the Amount of Expenses incurred by the Company in providing or giving such Accommodation or Facilities as aforesaid, the same shall from Time to Time be determined by the Board of Trade, or by an Arbitrator to be appointed by that Board.

As to Junction with Brighton Railway Company.

17. Notwithstanding anything in this Act contained, Clauses 16 and 17 of "The *Haylings* Railways Act, 1860," shall, so far as the *Brighton* Company is concerned therein, be applicable to the Railway No. 2. by this Act authorized in as full, ample, and beneficial a Manner as if those Clauses had been herein re-enacted and made specially applicable to the said Railway No. 2, and the Name of the *Brighton* Company had alone been inserted therein.

The Company may deviate to Extent marked on Plans.

18. Subject to the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," and of this Act, the Company may, in constructing the Docks, Undertakings, and Works connected therewith by this Act authorized, deviate to the Extent of the Limits of Deviation marked on the Plans.

Railway not to extend beyond Harbour.

19. Notwithstanding anything herein contained, the Railways shall not extend beyond the Entrance of the Harbour, and no Pier or Jetty, other than for the necessary Purposes of the Dock and Works hereby authorized, shall be constructed under the Provisions of this Act, and no Pier or Jetty shall at any Time be constructed so as to interfere with, obstruct, or impede the Entrance to the said Harbour.

Working Plans to be submitted to Admiralty.

20. Previously to commencing any Work affecting Tidal Water, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of every such Work for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral

Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Work shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Exemption from Rate.

21. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel or Boat belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Admiralty, Coastguard, Customs, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using any Dock, Wharf, or Landing Place, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons belonging to Her Majesty's Navy, or employed in the Service of the Admiralty, Coastguard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores, Goods, or Supplies for the Service of or being the Property of Her Majesty, or any Marines or Troops landed upon or delivered or disembarked from any Dock, Wharf, or Landing Place, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Dock, Wharf, or Landing Place without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Admiralty may order Survey at Expense of Company

22. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey

Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Admiralty may abate disused Works.

23. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Bond for Completion of Railway.

24. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, a Sum of Three thousand one hundred and sixty-nine Pounds Three Shillings and Ninepence Bank Three *per Centum* Consolidated Annuities, being equal to the Sum of Two thousand eight hundred and eighty Pounds, has been transferred into the Name of the Accountant General of the Court of Chancery with respect to the Application to Parliament for this Act, Two thousand six hundred and forty Pounds Nineteen Shillings and Ninepence thereof being transferred with reference to the Docks Undertaking, and Five hundred and twenty-eight Pounds Four Shillings thereof being transferred with reference to the Extension Lines, such last-named Sum being Eight Pounds *per Centum* on the Amount of the Estimate for the Extension Lines: Therefore, notwithstanding anything contained in that Act, that Sum of Five hundred and twenty-eight Pounds Four Shillings Bank Three *per Centum* Consolidated Annuities so transferred with respect to the Application for the Extension Lines authorized by this Act, or the Interests or Dividends of that Sum, shall not, except on the Execution and Deposit of the Bond hereinafter 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 that Act, or the Survivors

or

or Survivor of them, unless the Company before the Expiration of the Period limited for the Completion of the Extension Lines either open the Extension Lines 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 authorized to be raised by Shares for the Extension Lines, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital; and if that Period expire before the Company either open the Extension Lines for the public Conveyance of Passengers, or give the Proof to the Satisfaction of the Board of Trade, the Sum of Five hundred and twenty-eight Pounds Four Shillings Bank Three *per Centum* Consolidated Annuities so transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then 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: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum of Four hundred and eighty Pounds be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Four hundred and eighty Pounds if the Company do not, within the Time by this Act limited for the Completion of the Extension Lines, either open the Railways 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 for the Extension Lines by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the Sum of Five hundred and twenty-eight Pounds Four Shillings Bank Three *per Centum* Consolidated Annuities 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 the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in that Act to the contrary notwithstanding; and the Monies to be recovered on the Bond shall be dealt with in like Manner as the Sum of Five hundred and twenty-eight Pounds Four Shillings Bank Three *per Centum* Consolidated Annuities so transferred as aforesaid, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and

the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Provision as to Repayment of Residue of Deposit Money.

25. The Court of Chancery may, at any Time after the passing of this Act, order that Two thousand six hundred and forty Pounds Nineteen Shillings and Ninepence Bank Three *per Centum* Consolidated Annuities, being equal to the Sum of Two thousand four hundred Pounds, Part of the said Sum of Three thousand one hundred and sixty-nine Pounds Three Shillings and Ninepence Bank Three *per Centum* Consolidated Annuities, may be paid or transferred to the Person or Persons named in the said Warrant or Order, or the Majority of them, or the Survivors or Survivor of them; and upon such Order being made such Portion of the said Sum of Three thousand one hundred and sixty-nine Pounds Three Shillings and Ninepence Bank Three *per Centum* Consolidated Annuities shall be paid or transferred to them.

Tolls on Extension Lines the same as authorized Lines.

26. Subject to the Provisions in the recited Act and this Act, the Company may demand and take, in respect of the Extension Lines, for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, the same Tolls, Fares, Rates, and other Charges as by "the Act of 1860" the Company are authorized to demand and take in respect of the Railways by that Act authorized as if the Extension Lines had been authorized to be made by that Act.

For Tolls, authorized Lines and Extension Lines deemed continuous.

27. For estimating the Amount of Tolls, Fares, Rates, and Charges to be taken by the Company, the authorized Railways of the Company and the Extension Lines shall be deemed One continuous Line of Railway.

Rates payable on Ships.

28. The Company may demand and receive for every Vessel entering within the Docks to be constructed under the Powers of this Act, from the Sea, or lying alongside, or using any Wharf, Pier, Breakwater, or Landing Place belonging to the Company, any Sum not exceeding Threepence for every Ton Measurement of such Vessel.

Dock Rates on Ships as in Sched.(A.)

29. The Company, in addition to the said Rates, may demand and receive for every Vessel entering the Docks any Sum for every Ton Measurement of such Vessel not exceeding the Rates mentioned in Schedule (A.) to this Act annexed.

Additional Rates for Vessels

30. If any Vessel remain in the Docks, or lie alongside, or use any Wharf, Pier, Breakwater, or Landing Place belonging to the Company for

for any longer Space of Time than Four Weeks, the Company may demand and receive for every such Vessel a further Rate not exceeding Twopence *per* Week for every Ton Measurement thereof, so long as such Vessel shall remain in the Docks, or be alongside as aforesaid, beyond the said Period of Four Weeks, in addition to the Tonnage Rates specified in the said Schedule (A.)

remaining more than Four Weeks.

31. Provided always, That the additional Rates by this Act authorized to be taken by the Company in respect of Vessels remaining beyond a certain Period in the Docks shall not be payable for any such Vessel which shall have been prevented from leaving the same by an Embargo or by Stress of Weather.

Additional Dock Rates not to be payable for Vessels retained by Embargo or Stress of Weather.

32. The Company may demand and receive for all Animals, Merchandise, and Goods which shall be shipped or unshipped, received, or delivered within the Harbour, or upon or from any Wharf, Quay, Breakwater, Staith, Spout, Drop, or Pier belonging to the Company, any Sum not exceeding the Rates for the Time being payable at the *Southampton* Docks in respect of Animals, Merchandise, and Goods of a similar Nature, Package, and Quality.

Rates on Goods.

33. The Company may demand and take the several Tolls or Dues mentioned in Schedule (B.) to this Act annexed before any Person shall be allowed to embark from any of the Works of the Company as a Passenger in any Steam or other Vessel or Boat, or being a Passenger in any Steam or other Vessel or Boat be landed on any Part of such Works, and before any Trunk, Portmanteau, Box, Parcel, or other Package falling under the Denomination of Luggage shall be shipped on board any such Steam or other Vessel or Boat, or landed therefrom at any Part of such Works; and for the Use of their Piers and Works by Persons, Animals, or Carriages, for any Purpose other than landing or embarking, the Company may demand and receive any Sum not exceeding the Amount specified in Schedule (B.) applicable to such Use of their Piers and Works.

Rates for Passengers and Luggage as in Sched. (B.)

34. In addition to the Remedies given by "The Harbours, Docks, and Piers Clauses Act, 1847," for the Recovery of the several Rates hereby granted to the Company, the Company may recover such Rates in the following Manner; (that is to say,) any Rates which the Company may demand in respect of a Vessel may be recovered from the Owner or Master of such Vessel, and any Rates which the Company may demand in respect of Goods may be recovered from the Owner or Consignee of such Goods; and in every such Case such Rates may be sued for and recovered by the Company in any of Her Majesty's Courts of Record in *England* or *Wales*, or in case the Sum in dispute should not exceed the Jurisdiction of the County Court,

As to Recovery of Rates.

Court, and the Cause of Action shall be triable there, then in any County Court where the Action may be triable.

Rates to be charged for Use of Cranes, Weighing Machines, &c.

35. The Company may demand and receive for the Use of their Warehouses, Cranes, Weighing and Measuring Machines, of and from the Owner or Person having the Charge of any Goods, Articles, or Things deposited in such Warehouses, or loaded or unloaded, weighed or measured, by means of such Cranes, Weighing and Measuring Machines, such reasonable Rates as the Company shall from Time to Time appoint.

Limits within which Harbour-master may exercise his Authority.

36. The Limits within which the Powers of the Superintendent and Dock-master for the Regulation of the Docks shall be exercised shall be the Docks Entrance, Channel, Piers, Works, and Property of the Company, and a Distance of One hundred Yards in each Direction from the Extremity of the Company's Docks and Pier Works respectively.

Officers of Customs to have free Access to Harbour without Payment of Toll.

37. All Officers of Customs being in the Execution of their Duty shall have free Ingress and Egress into and out of the said Docks and Premises, and through the Gates and Entrances of the same, and may freely pass and repass with their Vessels and Boats through the Locks and Water Communications of the said Docks at all Times (provided the State of the Tide and Water Communications of the said Docks and Premises will admit of such passing) without Payment of any Toll or Sum for so doing.

Power to Company to provide Engines, &c.

38. The Company may provide such Steam Engines, Vessels, Piling Engines, Diving Bells, Ballast Lighters, and Rubbish Lighters, and other Machinery and Vessels as they think necessary for any of the other Purposes of this Act, and may demand and receive such Sums for the Use of the same as they think reasonable.

Power to appoint Meters and Weighers.

39. It shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers within the Docks.

Power to Company to raise additional Capital for authorized Lines.

40. For the Purposes of "the Act of 1860" and this Act with respect to the authorized Railways of the Company, the Company from Time to Time may raise by the Creation and Issue of new Shares of the Value of Ten Pounds each any additional Capital not exceeding in the whole Ten thousand Pounds.

Power to Company to raise additional Capital for Docks.

41. For the Purposes of the Docks Undertaking the Company may raise by the Creation and Issue of new Shares of the Value of Ten Pounds each additional Capital not exceeding Sixty thousand Pounds

Pounds (herein called the Dock Capital), and such Capital shall be ordinary Capital, and shall be distinct from the Company's Railway Capital.

Power to Company to raise additional Capital for Extension Lines by new Shares.

42. For the Purposes of this Act with respect to the Extension Lines the Company from Time to Time may raise by the Creation and Issue of new Shares of the Value of Ten Pounds each any additional Capital not exceeding in the whole Six thousand Pounds, and such additional Capital shall be ordinary Capital.

New Shares of additional Capital for authorized Lines may be preferential, &c.

43. The new Shares of the additional Capital of Ten thousand Pounds by this Act authorized to be raised by new Shares may, with the Consent of at least Three Fifths of the Votes of the Holders of the Company's present Railway Capital present, in person or by proxy, at an Extraordinary Meeting of the Company specially convened for the Purpose, be issued with any fixed, fluctuating, preferential, perpetual, terminable, or other Dividend, not exceeding the Rate of Five Pounds *per Centum per Annum*, and with or without any other special Provisions, and the Company as they from Time to Time think fit may fix the Amounts and Times of Payments of Calls on those new Shares.

Shares not to be issued unless and until One Fifth Part thereof shall have been paid up.

44. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Persons accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of each Share shall have been paid up in respect thereof.

Profits on Railway Capital applicable to Railway's Undertaking.

45. The Profits from Time to Time of the Company arising from the Profits of the Railways, and otherwise accruing to the Company in respect of the Railways under "the Act of 1860" and this Act, shall be applied for Payment of Dividends only on the Railway Capital consisting of Fifty thousand Pounds under "the Act of 1860," and Ten thousand Pounds and Six thousand Pounds respectively under this Act.

Profits of Dock Capital applicable only to Docks.

46. The Profits from Time to Time of the Company arising from the Docks Undertaking shall be applied for Payment of Dividends only on the Docks Capital of Sixty thousand Pounds.

Power to borrow on Mortgage.

47. The Company from Time to Time may borrow on Mortgage, in addition to the Sums which by "the Act of 1860" they are authorized to borrow, any Sum not exceeding in the whole the following; (that is to say,)

For the Purposes of the Railways authorized by "the Act of 1860,"
Three thousand three hundred Pounds:

For the Purposes of the Extension Lines, Two thousand Pounds:
For the Purposes of the Docks Undertaking, Twenty thousand Pounds.

Restrictions on borrowing.

48. Provided, That no Part of the Sum of Three thousand three hundred Pounds shall be borrowed until the whole of the additional Capital of Ten thousand Pounds authorized to be raised by new Shares is *bonâ fide* subscribed and issued, and One Half thereof paid up, and no Part of the Sum of Two thousand Pounds shall be borrowed until the whole of the additional Capital of Six thousand Pounds authorized to be raised by new Shares is *bonâ fide* subscribed and issued, and One Half thereof paid up, and no Part of the Sum of Twenty thousand Pounds shall be borrowed until the whole additional Capital of Sixty thousand Pounds authorized to be raised by new Shares is *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under Section Forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the additional Capital of each Undertaking, as the Case may be, has been subscribed for *bonâ fide* and issued, 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 the Subscribers and their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

49. Provided, That all Mortgages granted or authorized to be granted by the Company before the passing of this Act shall while in force have Priority to all Mortgages granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

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

Company's Capital and Debenture Debt to be distinguished.

51. From and after the passing of this Act the Capital of the Company under "the Act of 1860," and the Capital for the Extension Lines, shall be distinguished as their Railway Capital, and the Mortgage Debt of the Company under "the Act of 1860" and this Act in respect of Railways shall be distinguished as their Railway Debenture Debt, and the Dock Capital of the Company under this Act shall be distinguished as their Dock Capital, and their Mortgage Debt in respect of the Docks Undertaking shall be distinguished as their Dock Debenture Debt.

52. Except

Capital and Revenue under Act of 1861 and this Act not to be applied for Docks.

52. Except only as by this Act is otherwise expressly provided, no Part of the Monies by the "Act of 1860" and this Act authorized to be raised by Shares or by borrowing for the Railways, or from Time to Time received by the Company as Railway Capital and Revenue under the recited Act or this Act, shall be applied in or towards the making or maintaining of the Docks Undertaking, or the Purchase of any Lands for the Purposes thereof, or the paying of any Compensation in respect of any Lands taken for the same, or injuriously affected by the Exercise of any of the Powers of those Acts, or for any other Purposes of those Acts in respect of such Docks Undertakings.

Capital and Revenue under Act not to be applied for Railways.

53. Except only as by this Act is otherwise expressly provided, no Part of the Monies by this Act authorized to be raised by Shares or by borrowing, or from Time to Time otherwise received by the Company as Capital or Revenue under this Act in respect of the Docks Undertaking, shall be applied in or towards the making or maintaining of the Railways, or the Purchase of any Lands for the Purposes thereof, or the paying of any Compensation in respect of any Lands taken for the same, or injuriously affected by the Exercise of any of the Powers of "the Act of 1860" or this Act, or for any other Purposes of those Acts.

Mortgages under Act of 1860 and this Act not to affect Docks.

54. The Railway Mortgages of the Company already or from Time to Time hereafter granted under "the Act of 1860" or this Act shall not comprise or affect the Docks Undertaking of the Company under this Act, or any of the Tolls, Rates, Fares, Charges, or other Monies or Property or Effects of the Company under this Act with respect to the Docks Undertaking.

Dock Mortgages not to affect Railway.

55. The Dock Mortgages of the Company from Time to Time granted under this Act in respect of the Docks Undertaking shall not comprise or affect the Railway Undertakings of the Company under "the Act of 1860" or this Act, or any of the Tolls, Fares, Rates, Charges, or other Monies or Property or Effects of or arising from or belonging to the Railway Undertaking under "the Act of 1860" or under this Act.

Future Mortgages to be either Railway Mortgages or Dock Mortgages.

56. The Mortgages from Time to Time after the passing of this Act granted by the Company shall, where granted for securing Money borrowed or re-borrowed for the Purposes of the Railways, be granted only as the Company's Railway Mortgages; and where granted for securing Money borrowed or re-borrowed for the Purposes of the Docks Undertaking, shall be granted only as the Company's Dock Mortgages; and the Company shall not grant any Mortgage except as a Railway Mortgage or as a Dock Mortgage; and every Mortgage

Mortgage shall on the Face thereof distinctly denote whether it is a Railway Mortgage or a Dock Mortgage.

Company to keep Railway Accounts and Dock Accounts as separate Accounts.

57. For the Purpose of better showing the due Application by the Company of the Monies raised and received under the "Act of 1860" and this Act in respect of the Railways and Docks Undertakings respectively, the Company shall keep separate and distinct Accounts of their Receipts, Credits, Payments, and Liabilities on account of Railway and Dock Capital and Revenue respectively, to be called respectively "the Railway Accounts" and "the Dock Accounts."

General Application of Company's Funds.

58. The Company from Time to Time shall apply all the Monies from Time to Time raised or received by them under the recited Act and this Act in respect of the Railways only for Railway Purposes, and all the Monies from Time to Time raised or received by them under this Act or the recited Act in respect of the Docks Undertaking only for the Purposes of that Undertaking.

Right of Shareholders in respect of Railway Capital and Dock Capital.

59. Except only as is by this Act otherwise expressly provided, the Holders of the Railway and Dock Capital shall be Shareholders of the Company, and entitled to Votes, Qualifications, and Privileges accordingly: Provided that the Holders of Shares of the Railway Capital shall not in respect thereof be entitled to take any Part in the Discussion, or to vote at any General Meeting of the Company, on any Question touching the Dock Capital, or the Dock Debenture Debt, or relating exclusively to the Interests of the Holders of Shares of the Dock Capital: Provided also, that the Holders of Shares of the Dock Capital shall not in respect thereof be entitled to take part in the Discussion, or to vote at any General Meeting of the Company, on any Question touching the Railway Capital, or the Railway Debenture Debt, or relating exclusively to the Interests of the Holders of Shares of the Railway Capital.

No Vote or Qualification for preferential Share.

60. No preferential Share of the Capital of the Company shall confer any Right to vote, or any Qualification.

Power to appoint additional Directors.

61. In addition to the Number of Directors authorized by the Company's Act, the Company may appoint Four new Directors to act with the Directors of the Company solely as Directors of the Docks Undertaking by this Act authorized.

Power to Company and the Two Companies to enter into Agreements.

62. The Company on the one hand and the *South-western* Company and the *Brighton* Company (in this Act called "the Two Companies") on the other hand, from Time to Time, if and when they respectively think fit, may enter into and carry into effect all such

such Agreements and Arrangements with respect to any of the Purposes in that Behalf by this Act authorized, and all Matters incidental and necessary thereto, as the contracting Companies from Time to Time think fit, and every such Agreement shall be a Working Agreement within the Meaning of Part 3 (relating to Working Agreements) of "The Railways Clauses Act, 1863," incorporated with this Act.

Purposes for which Agreements may be entered into.

63. The Purposes for which Agreements and Arrangements may under this Act be from Time to Time entered into by the Company on the one hand and the Two Companies on the other hand comprise the following Purposes; (that is to say,)

The Conduct, Regulation, Management, Interchange, Accommodation, and Conveyance by the contracting Company, or otherwise, of all or any of the Traffic on their respective Railways:

The Tolls, Fares, Rates, and Charges, whether through or local, or other Sums of Money to be paid by the contracting Company or otherwise in respect of the User by them respectively of all or any Parts of their respective Railways:

The Apportionment between the contracting Companies of Tolls, Fares, Rates, and Charges, whether through or local, received in respect of Traffic whatsoever passing over their respective Railways or any Parts thereof respectively.

During Continuance of Agreement Railways to be considered One Railway.

64. During the Continuance of any Working Agreement entered into under the Authority of this Act, the Railways of the Two Companies and the Railways by this Act authorized shall be considered One Railway; and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Railways of the Two Companies and partly on the said Railways of the Company for a less Distance than Three Miles, Tolls and Charges may only be demanded for Three Miles in respect of Passengers, and for Goods, Animals, and Minerals every Fraction of a Mile shall be demanded as for so many Quarters of a Mile contained for each Fraction of a Mile, and any Fraction of a Mile less than a Quarter of a Mile shall be deemed a Quarter of a Mile for each Mile or Fraction of a Mile beyond Three Miles as for One Mile only, and the Charge for Three Miles shall be deemed the Short-distance Charge, and no other Short-distance Charge shall be made during the Continuance of any such Working Agreement for traversing the said Two Railways, or any or either of them, and the Railways by this Act mentioned.

Saving Rights of Crown.

65. Nothing in this Act contained shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her

Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues (which Consent they or One of them may give), or take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by Her Majesty, Her Heirs or Successors.

Saving Rights of Company and Two Companies.

66. Except only as is by this Act otherwise expressly provided, this Act or anything therein contained shall not take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Authorities of the Company or of the Two Companies.

Interest not to be paid on Calls paid up.

67. The Company or any other Railway Company to which this Act relates shall not, out of any Money by the recited Act or this Act authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him; provided that the Company may pay to any Shareholder such Interest or Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

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

68. The Company or any other Railway Company to which this Act relates shall not, out of any Money by the recited Act or this Act authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Company not exempt from Provisions of present and future General Acts.

69. This Act shall not exempt the Company or any other Railway Company to which this Act relates, or the Railways by the recited Act and this Act respectively authorized, or any other Railway to which this Act relates, from the Provisions of any future General Act relating to Railways, or to the better or more impartial Audit of the Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates of Fares and Charges by the recited Act and this Act respectively authorized, or of the Rates for small Parcels thereby respectively authorized.

Expenses of Act.

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

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Harbour Rates for Ships.

Outward Charges.

	s.	*d.*
For every Ship clearing for any Port in the United Kingdom or the Isle of Man, per Ton - - - - - - - -	0	4
For every Ship clearing for any Port in Europe, or for any Port in the British Possessions or United States in North America, per Ton -	0	6
For every Ship clearing for any other Port or Place than those above specified, per Ton - - - - - - -	0	9
For every Ship entering the Docks for the sole and exclusive Purpose of delivering or unloading Ballast, per Ton - - - -	0	2
For every Ship entering and leaving the Docks without delivering or loading Cargo, per Ton - - - - - -	0	3

Inward Charges.

For every Ship with a Cargo from any Port in the United Kingdom or in the Isle of Man, per Ton - - - - -	0	4
For every Ship with a Cargo from any Port or Place in Europe, or from any Port in the British Possessions or United States in North America, per Ton - - - - - - -	0	6
For every Ship with a Cargo from any Port or Place in the Atlantic Ocean as far South as the Cape of Good Hope or Cape Horn -	0	9
For every Ship with a Cargo from any Port or Place Eastward of the Cape of Good Hope, or Westward of Cape Horn, per Ton - -	1	0

SCHEDULE (B.)

For every Passenger who shall land from any Steam or other Vessel or Boat in or upon the Works of the Company, or any Part thereof, or embark therefrom, or board any Steam or other Vessel or Boat -	0	6

	s.	*d.*
For all and every Trunk, Portmanteau, Box, Parcel, or other Package falling within the Description of Luggage that shall be shipped from or landed in or upon such Works, not exceeding the Weight of Twenty-eight Pounds each	0	2
If exceeding Twenty-eight Pounds, and not exceeding Eighty-four Pounds, each	0	4
If exceeding Eighty-four Pounds, and not exceeding One hundred and twelve Pounds, each	0	5
If exceeding One hundred and twelve Pounds, and not exceeding One hundred and forty Pounds, each	0	6
If exceeding One hundred and forty Pounds, and not exceeding One hundred and ninety-six Pounds, each	0	7
If exceeding One hundred and ninety-six Pounds, and not exceeding Two Cwt. each	0	8
If amounting to or exceeding Two Cwt., for every One Cwt.	0	4
And for every Twenty Pounds Weight in addition	0	1
But if the same shall be placed on a Barrow, then for any Quantity of Luggage belonging to One Person, and contained in any One Barrow, and not exceeding the Weight of One hundred and forty Pounds	1	0
For every Person not landing on or embarking from the Company's Works who shall use the same for the Purpose of walking for Exercise, Pleasure, or otherwise, for each and every Time	0	2
For every Person who shall ride on Horseback for Pleasure, Exercise, or otherwise on the Company's Works, such Person and Horse not landing or embarking from the said Pier, for each and every Time	0	6
For every Four-wheel Carriage, except a Fly, which shall be drawn on the Company's Works, not being landed or embarked therefrom, for each and every Time	1	0
For every Two-wheel Carriage and every Fly which shall be drawn on the Company's Works, not being landed or embarked therefrom, for each and every Time	0	6
If craned, for each and every Time the additional Sum of	2	6

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