ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. clxii.

An Act for making Railways for the Purpose of connecting *Ryde* with *Ventnor* and the East Coast of the *Isle of Wight*, and for other Purposes. [23d *July* 1860.]

WHEREAS Railways from the Town of *Ryde*, passing through, to, or near to *Brading, Sandown, Shanklin*, and *Ventnor* in the *Isle of Wight*, with suitable Approaches thereto, would be of great public Advantage: And whereas Plans and Sections of the intended Railways and other Works, showing the Lines and Levels thereof, and also a Book of Reference, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land through or upon which the same is intended to pass, be made, or which may be required for the Purpose of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Southampton* and for the County of the *Isle of Wight* respectively: And whereas the Persons herein-after named, with other Persons and Corporations, are willing, at their own Expense, to carry the said Undertaking into execution, if authorized by Parliament so to do: May it therefore please Your Majesty that it be enacted; and be it enacted by the

The Isle of Wight Eastern Section Railway Act, 1860.

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. 16. 18. & 20., and 10 & 11 Vict. c. 27. incorporated.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," (except Sections Sixteen and Seventeen, relating to Lifeboats, and Sections Eighteen and Nineteen, relating to Tide Gauges,) shall be incorporated with and form Part of this Act: Provided always, that the Clauses, Powers, and Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," so incorporated as aforesaid, shall not be applied or exercised within the Boundaries of the Town of *Ryde*.

Short Title.

II. In citing this Act for any Purposes it shall be sufficient to use the Expression "The *Isle of Wight Eastern Section* Railway Act, 1860."

Subscribers incorporated.

III. The Persons following, (that is to say,) *James Simpson*, *Thomas Norton*, *Francis Henry Atherley*, *Thomas Webster*, *Thomas Willis Fleming*, *Alexander More*, and *Benjamin Barrow*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways and Works hereby authorized; and such Company shall be incorporated by the Name of "The *Isle of Wight Eastern Section* Railway Company," in this Act called the Company, and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. The Estimate of the Expense for the Railways and Works hereby authorized being One hundred and twenty-five thousand Pounds, the Share Capital of the Company shall be One hundred and twenty-five thousand Pounds.

Shares.

V. The Number of Shares into which the Capital shall be divided shall be Twelve thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. The greatest Amount of any One Call which the Company may make on the Shareholders shall be Two Pounds, and Two Months at least shall be the Interval between successive Calls, and Two Third Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

VII. The

Power to borrow on Mortgage.

VII. The Company may borrow on Mortgage any Sums not exceeding Forty-one thousand six hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and twenty-five thousand Pounds shall have been subscribed for *bonâ fide*, and shall be held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, and One Half thereof shall have been actually paid up, and until they shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by such Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Application of Capital.

VIII. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may be enforced by Appointment of a Receiver.

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

First and other Meetings.

X. The First Ordinary Meeting of the Company shall be within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings shall be held in the Months of *February* and *August* in every Year.

Number and Qualification of Directors.

XI. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Power to reduce Number of Directors.

XII. It shall be lawful for the Company to reduce the Number of Directors, provided that the Number shall never be less than Five.

First Directors to continue in Office until First Meeting after passing of Act.

XIII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number 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 eligible as Members of such new Body; and at the First Ordinary

Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," and in this Act mentioned; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

First Direction of Company.

XIV. The said *James Simpson*, *Francis Henry Atherley*, *Thomas Norton*, *Thomas Willis Fleming*, *Alexander More*, and *Thomas Webster* shall be the First Directors of the Company.

Quorum.

XV. A Quorum of Directors shall be Three.

Power to make Railway, &c. according to deposited Plans.

XVI. The Company, subject to the Provisions in this and the recited Acts contained, may make and maintain the Works herein-after mentioned, with all proper Approaches, Stations, and Conveniences connected therewith; (that is to say,)

Railway (No. 1.), described on the deposited Plans as Railway No. 2., commencing at or near *Melville Street* in the Town of *Ryde* on a Piece of Ground now or late the Property of *James Player Lind* and Madame *du Thon*, and now or late in the Occupation of *George Taylor*, and situate at the Back of *Monkton Street* in the Town of *Ryde* and Parish of *Newchurch*, and passing through the Parishes of *Saint Helen's* and *Newchurch*, and terminating at or near the Junction of *Monkton Street* with the *Saint John's Road* in the Town of *Ryde* and Parish of *Newchurch*:

Railway (No. 2.), described on the deposited Plans as Railway No. 3., commencing by a Junction with the last-mentioned Terminus of the Railway herein described as No. 1., and passing through the Parishes of *Saint Helen's*, *Newchurch*, *Brading*, the Extra-parochial Place of *Monkton Meads*, and *Yaverland*, and terminating in the Parish of *Brading* on an Occupation Road leading from *Lower Shanklin* to *Languard Farm* at a Point Twenty-three Chains or thereabouts North of the Independent Chapel at *Lower Shanklin*:

Railway (No. 3.), described on the deposited Plans as Railway No. 4., wholly in the Parishes of *Brading* and *Newchurch*, commencing by a Junction with the last-mentioned Terminus of the Railway herein described as No. 2., and terminating at *Ventnor* at or near the Stone Quarry adjoining the *Newport Road*, now or late the Property of *William Griffiths* Esquire, and situate One hundred Yards or thereabouts North of *Elm Grove*:

Railway (No. 4.), described on the deposited Plans as Railway No. 7., wholly in the Parish of *Brading*, commencing by a Junction with the

the Railway herein described as No. 2. in a Pasture Field adjoining and on the East Side of the *Brading and Ventnor* Turnpike new Road, now or late the Property of Sir *Henry Oglander* Baronet, and now or late in the Occupation of *Ann White*, and terminating at the outer and seaward End of *Brading Quay*:

Railway (No. 5.), described on the deposited Plans as Railway No. 8., wholly in the Parish of *Brading*, commencing by a Junction with the Railway herein described as No. 2. in a Piece of Land known as *Moreton Common*, belonging to Sir *Henry Oglander* Baronet, *William George Ward*, and *John Philip Munns*, and now or late in the Occupation of *George Cooper*, *Alfred Harvey*, and *John Philip Munns*, adjoining and on the East Side of the Turnpike Road leading from *Brading* to *Sandown* at or near a Point situate One hundred Yards or thereabouts North-east of the Bridge which carries the said Road over the River *Yar*, and terminating in *Sandown Bay* at a Point below Low-water Mark Twenty Chains or thereabouts South of *Sandown Fort*:

And all the Lines herein-before mentioned shall be made in the Lines and the Situation, within the Limits of Deviation, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections so respectively deposited as aforesaid, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Company to make a Road to Station at Ryde.

XVII. For the Purposes of an Approach Road to the Company's Station at *Ryde*, the Company shall, at their own Expense, make a Carriage Road not less than Thirty Feet wide, with all proper Works required for the Drainage of such Road, and with a Footpath on each Side of such Road, in continuation of *Melville Street* in the Town of *Ryde*, commencing at or near the Point at which the said Street intersects *Monkton Street*, and terminating in the Road at the West Side of *Saint John's Park Road* in the Parish of *Saint Helen's* and County of *Southampton*; and such Road shall be made and completed, to the Satisfaction of the Commissioners of the Town of *Ryde*, within Three Years from the passing of this Act, and the same shall be vested in and maintained by the said Commissioners for the free Use of the Public, in the like Manner as any other Road in the Town of *Ryde* is now vested in and maintained by the said Commissioners.

Sewer in Town of Ryde to be reconstructed, if damaged by Works of the Company.

XVIII. If in constructing Railway No. 2. over the Main Sewer formed by the Commissioners of the Town of *Ryde*, under the Provisions of "The *Ryde* Improvement Act, 1854," the Company shall cause any Injury or Damage thereto, or if the said Sewer shall at any Time after such Railway is completed be damaged or injured in any way by reason of the Works of the said Railway or any of the Proceedings of the Company, the Company shall, at their own Expense, reconstruct the said

Sewer or any Part thereof which may be so damaged or injured, to the Satisfaction of the Surveyor of the said Commissioners, and shall also pay to the said Commissioners such Sum by way of Compensation for any Injury they may sustain thereby as may be agreed upon between the Company and Commissioners respectively; and if no Agreement shall be come to between the Parties such Compensation shall be settled and determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for settling Disputes as to Compensation in respect of Lands injuriously affected by the Execution of the Works under the Provisions of the said Act; and the Company shall not at any Time alter the Lines, Levels, or Course of the said Sewer without the Consent of the said Commissioners first had and obtained.

Company not to take Land North of Melville Street in the Town of Ryde.

XIX. The Company shall not at any Time after the passing of this Act extend their Railway and Works or any Part thereof, or make any Tramways or other Works, or take any Portion of the Lands authorized to be taken by this Act for extraordinary Purposes or for any other Purpose whatsoever, North of *Melville Street* or North of the new Road from *Melville Street* to *Saint John's Park Road*, herein-before mentioned, in the Parishes of *Newchurch* and *Saint Helen's* and County of *Southampton*.

Land for extraordinary Purposes.

XX. The Quantity of Land to be purchased, by Agreement, by the Company, near or adjoining the Railway, for extraordinary Purposes, as mentioned in "The Railways Clauses Consolidation Act," and "The Harbours, Docks, and Piers Clauses Act, 1847," shall not exceed Five Acres.

Working Plans to be submitted to Admiralty before commencing.

XXI. Previously to commencing any Part of the Works on the Seashore below High-water Mark at *Brading* or *Sandown Bay*, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Works, 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 aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval; and when any such Works 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 Part of the Works shall be commenced or completed, or be altered or extended, 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

Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may abate, at Expense of the Company, Deviations made without their Consent.

XXII. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation or any Part thereof; and the Cost of every such Abatement 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.

Admiralty may order a local Survey of Works affecting any navigable River, &c., at Expense of Company.

XXIII. 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 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.

Works affecting tidal Waters abandoned may be removed by the Admiralty, at Expense of Company.

XXIV. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or 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 be recoverable accordingly, with Costs of Suit.

Work near Sandown Fort to be approved by Secretary of State for War.

XXV. Whereas the Fort or Castle in the Parish of *Sandown* has been erected for the Protection and Defence of the Realm: And whereas the Use and Service thereof would be materially injured and affected by any Cutting or Embankment being made opposite or adjacent thereto: Be it therefore enacted, That the Line of Railway intended to be made under the Provisions of this Act shall, where opposite and adjacent to the said Fort and Castle of *Sandown*, be executed in all things to the Satisfaction of Her Majesty's Principal Secretary of State for the War Department for the Time being.

Road to be crossed on the Level.

XXVI. Subject to the Provisions of this Act, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized, to

to carry the Railway with not exceeding One Line of Railway so long as the said Line of Railway continues single, and Two Lines of Railway if the said Line should be hereafter doubled, across and on the Level of the Road numbered 159 b. in the Parish of *Brading* on the Plans deposited as herein-before mentioned.

Trains not to be shunted over level Crossings.

XXVII. It shall not be lawful for the Company in shunting Trains, Engines, or other Rolling Stock to or from any Siding near to either of such level Crossings to pass either the same or any of them over such level Crossings, or to allow the same or any of them to stand across the said level Crossings.

Company to erect a Station or Lodge where Road crosses on the Level.

XXVIII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Stations or Lodges, or to appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge instead of level Crossing.

XXIX. The Board of Trade (if it shall appear to them necessary for the Public Safety or Convenience, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic,) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Roads may be made on the Inclination.

XXX. In carrying the Road numbered as herein-after mentioned on the deposited Plans over, under, or across the Lines of Railway and this Act authorized, the Company may make the Inclination of the Road as steep or not steeper than as follows; (that is to say,)

Parish.	Number.	Inclination of Road.
Brading - - - - -	159 v.	1 in 14

XXXI. The

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

XXXII. The Railway or Railways and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this or the said recited Acts granted to the Company for executing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways and Works as shall then be completed.

Deposits in Court of Chancery to be forfeited to the Crown in a certain Event.

XXXIII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Fourteen thousand six hundred and fifty-nine Pounds Thirteen Shillings and Sevenpence New Three Pounds *per Centum* Annuities, being equal to a Sum of Fourteen thousand Pounds, and being Eight *per Centum* on the Amount of the Estimate of the Expense of the Railways originally proposed to be authorized by this Act, has been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, pursuant to the same Act, in respect of the Application to Parliament for this Act: And whereas, inasmuch as Parts of the Undertaking originally proposed to be authorized by this Act have been abandoned, and the Estimate of Expense of the Railways originally proposed to be authorized has been reduced to the Sum of One hundred and twenty-five thousand Pounds: Be it enacted, That, notwithstanding anything contained in the said recited Act, so much of the said Sum of Fourteen thousand six hundred and fifty-nine Pounds Thirteen Shillings and Sevenpence New Three Pounds *per Centum* Annuities as was at the Time of the Transfer aforesaid equal to the Sum of Ten thousand Pounds, such Sum of Ten thousand Pounds being Eight Pounds *per Centum* on the said reduced Estimate of One hundred and twenty-five thousand Pounds so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor or Survivors of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railways hereby authorized, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares for the Purposes

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

XXXIV. The

Court of Chancery may order Payment of surplus Deposit.

XXXIV. The Court of Chancery may, at any Time after the passing of this Act, order that so much of the said Sum of Fourteen thousand six hundred and fifty-nine Pounds Thirteen Shillings and Sevenpence New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Four thousand Pounds, and any Dividends thereon, may be transferred and paid to the Company, or to such Person or Persons as the Company may appoint in that Behalf, and upon such Order being made such Portion of the said Sum of Fourteen thousand six hundred and fifty-nine Pounds Thirteen Shillings and Sevenpence New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Four thousand Pounds and the Dividends thereon shall be transferred and paid to the said Company, or to such Person or Persons as the Company shall appoint.

Tolls.

XXXV. It shall be lawful for the Company to levy and demand Rates, Tolls, and Duties for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Goods, &c.

In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Rod Iron, Sheet Iron, Bar Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fireclay, Cinders, Slag, and Stone, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Dung, Compost, and all Sorts of Manure, and for all undressed Materials for the Repairs of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, and for all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, and Clay (except Fireclay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, and for all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile Fourpence:

And a Sum of One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh.

In

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages on the Railway, as follows:

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

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

For every Ox, Bull, Cow, or Neat Cattle conveyed in or upon any such Carriage, a Sum *per* Mile of Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny *per* Mile:

For every Calf or Pig, Sheep or Lamb, or other small Animal conveyed in or upon any such Carriage, a Sum *per* Mile of One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny *per* Mile.

Tolls for propelling Power.

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

Regulations as to Tolls.

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

For Persons conveyed on the Railway for any Distance more than One and less than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For Articles (except Passengers Luggage) conveyed on the Railway for any Distance more than One and less 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 as for One Mile for Passengers, and as for One Quarter of a Mile for Animals and Goods:

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

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 single Articles of great Weight.

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

For the Carriage of small Parcels the Company may demand any Sum which they think fit not exceeding the Rates following:

Not exceeding in Weight Seven Pounds, Fourpence; exceeding Seven Pounds and not exceeding Fourteen Pounds, Fivepence; exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, Eightpence; exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, One Shilling; exceeding Fifty-six Pounds and not exceeding Five hundred Pounds, such Sum as they think proper: Provided always, that Articles sent in large 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 not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article not specified in this Act, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Maximum Rates of Charge for Passengers.

XXXIX. The maximum Rate or Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage the Sum of Threepence *per* Mile, and for a Distance not exceeding One Mile the Sum of Fourpence:

For every Passenger conveyed in a Second-class Carriage the Sum of Twopence *per* Mile, and for a Distance not exceeding One Mile the Sum of Threepence:

For every Passenger conveyed in a Third-class Carriage the Sum of One

One Penny *per* Mile, and for a Distance not exceeding One Mile the Sum of Twopence.

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

XL. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charges to be made upon the Railway by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Fourpence *per* Mile:

For Cattle, the Sum of Threepence *per* Head *per* Mile:

For Calves and Pigs, the Sum of Twopence each *per* Mile:

For Sheep and small Animals, the Sum of One Penny Halfpenny each *per* Mile:

For every Carriage the Weight of which is not more than One Ton, the Sum of Fourpence *per* Ton *per* Mile, and One Penny for every additional Quarter of a Ton *per* Mile:

For Coals, Coke, Ironstone, and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile:

For Manure, Culm, Cotton, and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile:

Provided always, that it shall be lawful for the Company to demand and take, in addition to the Tolls, Rates, and Charges which are herein-before authorized, a reasonable Sum for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company otherwise than upon the Premises of the Railway.

Restriction as to Charges not to apply to Special Trains.

XLI. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railway, but shall apply only to the ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges, by Agreement.

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

Passengers Luggage.

XLIII. Every Passenger travelling upon the Railways may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred and twelve Pounds

Pounds in Weight for Second-class Passengers, and Eighty Pounds in Weight for Third-class Passengers, without any Charge being made for the Conveyance thereof.

Power to agree with other Companies.

XLIV. The Company, and the *London, Brighton, and South Coast* and *London and South-western* Railway Companies (herein called the Two Companies), or either of them, may from Time to Time enter into Agreements under the Authority of this Act for the following Purposes; (that is to say,)

First, the Conveyance by the Two Companies or either of them of all or any Part of the Traffic on or from the Railways or any Part thereof:

Secondly, the Division and Apportionment of all or any Part of the Traffic on the Railways or any Part thereof between the Company and the Two Companies, or either of them:

Thirdly, the forwarding, Interchange, and Transmission on or over the Railways, and all or any of the Railways or Works belonging to the Two Companies respectively, of any Passenger or other Traffic which may be conveyed upon, to, and from all or any of those Railways or Works respectively:

Fourthly, the Collection, Delivery, and general Conduct of such Traffic:

Fifthly, the fixing of the Tolls, Rates, Duties, and Charges to be taken by the Company and the Two Companies, or either of them, with respect to the Traffic so conveyed:

Sixthly, the Collection and Receipt of the Tolls, Rates, Duties, and Charges:

Seventhly, the Division between the Company and the Two Companies, or either of them, of the Receipts arising from the Traffic.

Agreements not to extend to Companies not Parties thereto.

XLV. Provided always, That no such Agreement shall extend to any Part of the Railway or Works of any of the Three Companies, not Party to the Agreements, without the previous Consent of the Company owning such Railways.

Joint Committee for Purposes of Agreements.

XLVI. The several Companies Parties to any such Agreements may by any such Agreements appoint a Joint Committee, composed of such Number of the Directors of those Companies respectively as those Companies think proper, and from Time to Time may alter, vary, and renew the Joint Committee as Occasion requires, and may regulate the Proceedings of the Joint Committee, and may delegate to the Joint Committee all such Powers as those Companies think necessary for carrying into effect the Purposes of any such Agreements; and every Joint Committee so appointed shall have and may exercise the Powers so from Time to Time delegated to them in like Manner as those Powers might be had and exercised by those Companies respectively, or their

their respective Directors, and every Member of the Joint Committee shall have and enjoy the like Indemnities as if he were a Director of the Company by which he is appointed.

Restrictions as to Agreements between Company and Two Companies.

XLVII. No such Agreements between the Company and the Two Companies, or either of them, shall have any Operation until they be approved by the Board of Trade; and no such Agreements shall in any Manner alter, affect, increase, or diminish any of the Tolls, Fares, Rates, or Charges which the Companies Parties thereto are from Time to Time respectively authorized and entitled to demand and take from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreements, be entitled to the User and Benefit of the Railways to which the respective Agreements relate, on the same Terms and Conditions, and on Payment of the same Tolls, Fares, Rates, and Charges, as they would be if the Agreements were not made.

Approval by Board of Trade.

XLVIII. Provided always, That the Board of Trade shall not approve any such Agreements without being satisfied of their having received such Sanction of Shareholders as is by this Act required; and no such Agreements shall be made without the Consent of at least Three Fifths of the Shareholders present, in Person or by Proxy, at an Extraordinary General Meeting of each respective Company specially convened for that Purpose.

Revision of Agreements by said Board every Ten Years.

XLIX. Provided always, That at the Expiration of the first or any subsequent Period of Ten Years from the making of any such Agreement or any Modification of any such Agreement it shall be lawful for the Board of Trade, if they think fit, to cause the same to be revised; and the Board of Trade shall have Power to modify the Terms or Conditions of such Agreement, and to declare such Modification to be Part of such Agreement, and the same shall be read and take effect accordingly.

Notice to be given of Revision by Board of Trade.

L. The Company, previous to the Expiration of each such decennial Period, shall give such public Notice as the Board of Trade may prescribe, that the Board has such Power, and is about to enter upon such Revision, and will entertain Complaints with a view to the Removal of any Evil resulting to the Public from such Arrangement.

Agreements may be renewed, with the Approval of the Board of Trade.

LI. At or after the Expiration of the Agreements or of any future Agreements the contracting Companies, with the Consent in Special Meeting of such Majority of their respective Shareholders as by this Act required, and subject to the Approval of the Board of Trade, may from Time to Time enter into further Agreements of not more than Ten Years from the Expiration of the preceding Agreements for all or any of the Purposes by this Act authorized; provided that before the contracting Companies

Companies shall enter into any such further Agreements they shall give Notice of their Intention to enter into the Agreements by Advertisement inserted once in each of Two successive Weeks in a *London* Daily Morning Newspaper, and in some Newspaper of the County in which the principal Office of each contracting Company is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by the proposed Agreements, and desiring to object thereto, may bring his Objections before the Board of Trade; and no such Agreements shall be valid at Law or in Equity until the same be approved by the Board of Trade.

Power for Two Companies to contribute towards Company's Undertaking.

LII. The Two Companies or either of them may subscribe for and hold Shares in the intended Undertaking, and for that Purpose may apply any Monies which by any of the Acts already relating to the respective Companies they are authorized to raise, and which are not required for the Purposes to which they are by the said Acts rendered liable: Provided always, that the *London, Brighton, and South Coast* Railway Company shall not subscribe more than Twenty thousand Pounds, and the *London and South-western* Railway Company shall not subscribe more than Twenty thousand Pounds.

Power for Two Companies *to* raise Monies to be contributed.

LIII. For the Purpose of any such Contribution towards the Undertaking of the Company, each of the Two Companies respectively may raise by the Creation and Issue of new Shares all or any Part of the Amount which the respective Company may so contribute, and may apply the Monies so raised accordingly, but shall not apply for any other Purpose any Money so raised.

Powers of Two Companies for raising such Monies.

LIV. The several Powers and Provisions of the Acts relating to the Three Companies respectively with respect to the Creation and Issue of Shares, whether ordinary or preferential or otherwise, shall apply to the Shares from Time to Time created and issued under this Act by those Companies or either of them.

Power for Two Companies to guarantee out of their Revenues. Interest to Company.

LV. The Two Companies or either of them from Time to Time may guarantee, on any Sums not exceeding Forty thousand Pounds in the whole, to be subscribed in the Proportions herein-before specified, which the Two Companies respectively may so contribute towards the Purposes of this Undertaking, any Interest or Dividend not exceeding Five Pounds *per Centum per Annum*, or yearly or other Payment from Time to Time agreed on between the Company and the Two Companies, or either of them, so guaranteeing.

Authority of Shareholders for Contributions.

LVI. Provided always, That no such Contribution towards the Undertaking of the Company shall be made, nor shall any Share be created, for the Purpose of the Contribution of any of the Two Companies, nor shall any

any such Guarantee be granted by either of the Two Companies under this Act, without in every Case the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting of the respective Company specially convened for the Purpose.

Payment of guaranteed or preferential Dividend.

LVII. With respect to each of the Two Companies the guaranteed or preferential Dividend to be paid by the respective Company on any Sums which they respectively are by this Act authorized to guarantee as aforesaid, shall be payable half-yearly out of the Profits of every Year applicable for the Payment of Dividends of the respective Company so guaranteeing, and in priority to the Dividend on the ordinary Shares and on the other Shares (if any) subject to the Guarantee or Preference so created by the respective Company; but if and whenever the Profits of any Year ending with the Thirty-first Day of *December*, applicable for the Payment of Dividend on any Sums so guaranteed by the respective Company, are insufficient for the Payment in full of the guaranteed or preferential Dividend thereon for that Year, the Deficiency shall not be paid or payable by the respective Company, wholly or in part, out of the Profits of any subsequent Year or out of any other Funds of the respective Company: Provided always, that the Terms and Conditions to which the Guarantee is subject under this Act shall be clearly stated on the Certificate of every Share to which the Guarantee attaches.

Saving existing Preference Shares.

LVIII. Provided always, That any such Guarantee granted by the respective Company, or any Preference or other special Privilege attached to any Shares which the respective Company is by this Act authorized to create, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any preferential Share or Stock or Mortgage Bond of the respective Company lawfully subsisting, or any Guarantee, Preference, or Priority granted by the Company to any Shares or Stock in any other Company.

Power to agree with Ryde Commissioners.

LIX. It shall be lawful for the Company to make and enter into such Arrangements with the Commissioners acting under "The *Ryde* Improvement Act, 1854," for opening any Streets and Thoroughfares, and otherwise improving the Approaches at *Ryde*, as may be mutually agreed upon.

Interest not to be paid on Calls paid up.

LX. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of 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

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.

LXI. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railways, &c. not exempt from Provisions of present and future General Acts.

LXII. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Saving Rights of the Crown.

LXIII. That nothing contained in this Act or in the Acts herein referred to shall extend to authorize the said Company to purchase, take, use, or otherwise interfere with any Foreshore, or other Lands, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioner or Commissioners is and are hereby authorized to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

LXIV. All the Costs, Charges, and Expenses of and attending the passing of this Act, or incident thereto, shall be paid by the Company.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.