ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxxiv.

An Act for authorizing the *Isle of Wight* Railway Company to make additional Railways, and to raise further Monies; and for other Purposes.

[5th *July* 1865.]

WHEREAS by "The *Isle of Wight Eastern Section* Railway Act, 1860," (in this Act called "the Act of 1860,") the *Isle of Wight Eastern Section* Railway Company (in this Act called "the Company") were incorporated, and were authorized to raise a Capital of One hundred and twenty-five thousand Pounds in Twelve thousand five hundred Shares of Ten Pounds each, and to borrow on Mortgage not exceeding Forty-one thousand six hundred Pounds, and to make and maintain divers Railways therein specified (in this Act called "the Eastern Lines"), being together a Railway from *Ryde* to *Ventnor*, with Two short Branches therefrom, the one to *Brading* Harbour, and the other to *Sandown Bay*: And whereas the Company are executing the Works authorized by the Act of 1860, and the Part of the Eastern Lines between *Ryde* and *Shanklyn*, together with the said Branch to *Brading* Harbour, has been completed and opened for public Traffic, and the Remainder of the Eastern Lines will shortly be completed and opened for public Traffic: And whereas by "The *Isle of Wight* Railways (Extensions) Act,

23 & 24 Vict. c. clxii.

26 & 27 Vict. c. ccxxxii.

Act, 1863," (in this Act called "the Act of 1863") the Name of the Company was changed from the Name of the *Isle of Wight Eastern Section* Railway Company to the Name of the *Isle of Wight* Railway Company, and the Company were authorized to make and maintain Two additional Railways therein specified (in this Act called "the Central Lines"), one being a Railway from *Ryde* to *Newport*, and the other being a Railway from *Newport* to *Wroxall*, and for the Purposes of the Eastern Lines to raise additional Capital not exceeding Twenty-five thousand Pounds, and to borrow on Mortgage an additional Sum not exceeding Eight thousand three hundred Pounds, and for the Purposes of the Central Lines to raise a Capital not exceeding One hundred and eighty thousand Pounds in Shares of Ten Pounds each, and to borrow not exceeding Sixty thousand Pounds: And whereas the Central Lines have not yet been commenced, but will shortly be commenced: And whereas by the Act of 1863 Provision is made for enabling the Company, with respect to Capital, Revenue, and Outlay, to carry on their Undertaking in relation to the Eastern Lines and Central Lines respectively as separate and distinct Undertakings: And whereas it would be of public Advantage and it is expedient that the Company be authorized to make and maintain, as by this Act authorized, a Junction Railway at or near *Wroxall*, such Railway to form Part of the Central Lines, and also for the Purposes of the Eastern Lines to purchase compulsorily Lands at *Brading Lake* and *Shanklyn*: And whereas the making and maintaining of Railways to *Yarmouth* and *Freshwater*, as by this Act authorized, (in this Act called "the Western Lines,") as Extensions of and in connexion with the Eastern Lines and Central Lines, would be of public Advantage, and the Company are willing and it is expedient that they be authorized to make and maintain them accordingly: And whereas it is expedient that the Company be authorized to raise further Monies: And whereas it is expedient that the Company's Undertaking under this Act in relation to the Western Lines should, with respect to Capital, Revenue, and Outlay, be carried on as an Undertaking separate and distinct from the several Undertakings of the Company in relation to the Eastern Lines and Central Lines respectively: And whereas Plans and Sections showing the Lines and Levels of the intended Railways and other Works, and also Plans showing the Lands through or upon which the Railways and Works are intended to pass or be made, and the Lands at *Brading*, *Lake*, and *Shanklin* respectively which may be required for the Purposes of the Company, and Books of Reference to such 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 Plans, Sections, and Books of Reference are herein-after referred to respectively as the deposited Plans, Sections, and Books of Reference:

And

And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Isle of Wight* Railways (Extensions) Act, 1865."

8 & 9 Vict. cc. 18. & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. 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 Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts and Parts of Acts respectively are excepted or varied by this Act,) are respectively incorporated with this Act.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The following Clauses, Provisions, and Parts of "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863," respectively, (save so far as the same respectively are varied by this Act,) are incorporated with this Act; (that is to say,)

Of "The Companies Clauses Consolidation Act, 1845," the several Clauses and Provisions—

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

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for 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 on 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 the giving of Notices;

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And of "The Companies Clauses Act, 1863," Part I. (relating to the Cancellation and Surrender of Shares), and Part II. (relating to additional Capital).

4. The

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

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

Power to raise additional Capital for Eastern Lines.

5. For the Purposes of the Act of 1860 and this Act, with respect to the Eastern Lines, the Company from Time to Time may raise by the Creation and Issue of new Shares any additional Capital not exceeding in the whole Thirty-nine thousand Pounds, and may create and issue those new Shares either wholly or partly ordinary and wholly or partly preferential as the Company before the Time of the Issue thereof determine, and the Capital so from Time to Time created shall be Part of the separate Section of Capital which by the Act of 1863 is distinguished as the Company's Eastern Lines Capital.

Power to raise additional Capital for Central Lines.

6. For the Purposes of the Act of 1863 and this Act, with respect to the Central Lines, the Company from Time to Time may raise by the Creation and Issue of Ordinary Shares any additional Capital not exceeding in the whole Twenty thousand Pounds, and the Capital so from Time to Time created shall be Part of the separate Section of Capital which by the Act of 1863 is distinguished as the Company's Central Lines Capital.

Power to raise Capital for Western Lines.

7. For the Purposes of this Act, with respect to the Western Lines, the Company from Time to Time may raise, by the Creation and Issue of new Shares of Ten Pounds each, any additional Capital not exceeding in the whole One hundred and sixty thousand Pounds, and the Capital so from Time to Time created shall be Ordinary Capital, and shall be distinct from the Company's Eastern Lines Capital and from the Company's Central Lines Capital.

Not to issue any Share under this Act until One Fifth of Amount paid up.

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

Calls on new Shares.

9. The Directors from Time to Time may fix as they think fit the Amount and Times of Payment of the Calls on the new Shares to be created under the Authority of this Act: Provided always, that the greatest Amount of any One Call shall be Two Pounds, and that Two Months at least shall be the Interval between successive Calls, and that the total Calls in any One Year in respect of a new Share shall not exceed Two Thirds of the nominal Amount of the Share.

10. No

Preference Shares not to confer Right to vote, &c.

10. No Preference Share created under this Act shall confer any Qualification or any Right of voting.

New Shares in Eastern and Central Lines Capital to be entitled to same Privileges, &c. as Ordinary Share Capitals.

11. Except as is by this Act otherwise provided, the new Share Capitals by this Act authorized respectively for the Purposes of the Eastern Lines and of the Central Lines respectively, and the Holders of the Shares in those new Capitals respectively, shall be subject and entitled to the same Powers, Provisions, Rights, Privileges, and Incidents in all respects as if those new Capitals respectively were Part of the Company's Eastern Lines Ordinary Capital, or, as the Case may be, the Company's Central Lines Ordinary Capital, and the Shares in those new Capitals respectively were Shares of those Ordinary Capitals respectively.

Power to borrow on Mortgage.

12. The Company from Time to Time may borrow on Mortgage, in addition to the Sums which they are by the Acts of 1860 and 1863 respectively authorized to borrow, any Sums not exceeding in the whole the following; that is to say, for the Purposes of the Eastern Lines Thirteen thousand Pounds, for the Purposes of the Central Lines Six thousand three hundred Pounds, and for the Purposes of the Western Lines Fifty-three thousand Pounds.

Restrictions on borrowing.

13. Provided always, That the Company shall not borrow under this Act any Part of the Thirteen thousand Pounds, or, as the Case may be, Six thousand three hundred Pounds, or, as the Case may be, of the Fifty-three thousand Pounds, until the whole of the additional Capital of Thirty-nine thousand Pounds, or, as the Case may be, Twenty thousand Pounds, or, as the Case may be, One hundred and sixty thousand Pounds, by this Act authorized, is subscribed for or taken, and One Half thereof is paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the respective additional Capital is subscribed for *bonâ fide*, or taken and issued, and that One Half of each respective Capital in respect of which such Borrowing Powers shall be exercised has been paid up, and that not less than One Fifth Part of the Amount of each Share has been paid on or before the Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for so much of the same as from Time to Time is unpaid, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Monies borrowed for Eastern Lines and Central

14. All Monies borrowed on Mortgage under this Act for the Purposes of the Eastern Lines shall be Part of the separate Section of Debenture Debt which by "the Act of 1863" is distinguished as

Lines to be Part of Eastern Lines Debenture Debt and Central Lines Debenture Debt.

as the Company's Eastern Lines Debenture Debt; and all Monies borrowed on Mortgage under this Act for the Purposes of the Central Lines shall be Part of the separate Section of Debenture Debt which by "the Act of 1863" is distinguished as the Company's Central Lines Debenture Debt.

Arrears may be enforced by Appointment of a Receiver.

15. Subject to the Provisions of this Act, the Mortgagees under this Act may enforce the Payment of the Arrears of Interest or 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 is Five thousand Pounds.

Priority of existing Mortgages.

16. All Mortgages granted by the Company before the passing of this Act and now in force shall while in force have Priority over all Mortgages of the same respective Class granted under this Act.

Western Lines Capital and Debenture Debt.

17. The Capital of the Company under this Act for the Purposes of the Western Lines shall be distinguished as the Company's Western Lines Capital, and the Mortgage Debt of the Company under this Act for the Purposes of the Western Lines shall be distinguished as the Company's Western Lines Debenture Debt.

Receipts and Payments under Act on account of Eastern Lines to be credited and debited to Eastern Lines in Eastern Lines Accounts.

18. All Monies raised under this Act by Shares or by borrowing for the Purposes of the Eastern Lines, and all Receipts and Credits under this Act on account of Capital and Revenue respectively in respect of the Part of the Eastern Lines by this Act authorized, shall from Time to Time be credited to the Company's Eastern Lines in the Eastern Lines Accounts mentioned in Section 45 of the Act of 1863; and all Payments and Liabilities under this Act in respect of the making or maintaining of the Part of the Eastern Lines by this Act authorized, or in respect of the Purchase for the Purposes of the Eastern Lines of any Lands by this Act authorized, and all other Payments and Liabilities under this Act on account of Capital and Revenue respectively in respect of the Part of the Eastern Lines by this Act authorized, or in respect of those Lands, shall be debited to the Company's Eastern Lines in the Eastern Lines Accounts; and no Part of the Monies, Receipts, or Credits so from Time to Time carried to the Credit of the Eastern Lines shall be applied in or towards the making or maintaining of the Central Lines or of the Western Lines, or otherwise in or towards the Execution of any of the Purposes of the Act of 1863 or this Act with respect to the Central Lines, or the Execution of any of the Purposes of this Act with respect to the Western Lines.

19. All

Receipts and Payments under Act on account of Central Lines to be credited and debited to Central Lines Accounts.

19. All Monies raised under this Act by Shares or by borrowing for the Purposes of the Central Lines, and all Receipts and Credits under this Act on account of Capital and Revenue respectively in respect of the Part of the Central Lines by this Act authorized, shall from Time to Time be credited to the Company's Central Lines in the Central Lines Accounts mentioned in Section 45 of the Act of 1863; and all Payments and Liabilities under this Act in respect of the making or maintaining of the Part of the Central Lines by this Act authorized, and all other Payments and Liabilities under this Act on account of Capital and Revenue respectively in respect of the Part of the Central Lines by this Act authorized, shall be debited to the Company's Central Lines in the Central Lines Accounts; and no Part of the Monies, Receipts, or Credits so from Time to Time carried to the Credit of the Central Lines shall be applied in or towards the making or maintaining of the Eastern Lines or of the Western Lines, or otherwise in or towards the Execution of any of the Purposes of the Acts of 1860 and 1863 and this Act respectively with respect to the Eastern Lines, or the Execution of any of the Purposes of this Act with respect to the Western Lines.

Capital and Revenue of Western Lines not to be applied for Eastern Lines or Central Lines.

20. Except as is by this Act otherwise expressly provided, no Part of the Monies by this Act authorized to be raised by Shares or by borrowing for the Purposes of the Western Lines, or from Time to Time otherwise received by the Company under this Act on account of Capital or Revenue in respect of the Western Lines, shall be applied in or towards the making or maintaining of the Eastern Lines or of the Central Lines, or in or towards the Execution of any of the Purposes of the recited Acts and this Act respectively with respect to the Eastern Lines or the Central Lines.

Mortgages under existing Acts not to affect Western Lines.

21. The Mortgages of the Company already or from Time to Time hereafter granted under the Acts of 1860 and 1863, or either of them, shall not comprise or affect the Western Lines, or the Undertaking of the Western Lines, or any of the Tolls, Fares, Rates, Charges, Monies, Property, or Effects of the Company under this Act with respect to the Western Lines.

Mortgages under Act to be either Eastern Lines Mortgages or Central Lines Mortgages, or Western Lines Mortgages.

22. The Mortgages from Time to Time after the passing of this Act granted by the Company under this Act shall, when granted for securing Money borrowed or re-borrowed for the Purposes of the Eastern Lines, be granted only as the Company's Eastern Lines Mortgages, and when granted for securing Money borrowed or re-borrowed for the Purposes of the Central Lines shall be granted only as the Company's Central Lines Mortgages, and when granted for securing Money borrowed or re-borrowed for the Purposes of the Western

Western Lines shall be granted only as the Company's Western Lines Mortgages; and the Company shall not under this Act grant any Mortgage except as an Eastern Lines Mortgage, or as a Central Lines Mortgage, or as a Western Lines Mortgage; and every Mortgage shall on the Face thereof distinctly denote whether it is an Eastern Lines Mortgage, or a Central Lines Mortgage, or a Western Lines Mortgage.

Mortgages under Act to be charged on separate Undertakings.

23. The Eastern Lines Mortgages, the Central Lines Mortgages, and the Western Lines Mortgages respectively granted under this Act shall respectively only comprise and affect the Eastern Lines, the Central Lines, and the Western Lines respectively, and the Undertaking, Tolls, Fares, Rates, Charges, Monies, Property, and Effects of the Company with respect to the Eastern Lines, the Central Lines, and the Western Lines respectively.

Separate Accounts as to Western Lines.

24. For the Purpose of better showing the due Application by the Company of the Monies raised and received under this Act with respect to the Western Lines the Company shall keep separate and distinct Accounts of their Receipts, Credits, Payments, and Liabilities on account of Capital and Revenue respectively in the Execution of this Act with respect to the Western Lines, such Accounts to be called the Western Lines Accounts.

Application of Monies.

25. All the Monies by this Act authorized to be raised by Shares or by borrowing shall be applied only for the Purposes authorized by the Acts of 1860 and 1863, and this Act, or any of them.

Rights of Shareholders in Western Lines Capital.

26. Except as is by this Act otherwise provided, the Holders of the Shares in the Western Lines Capital shall be Shareholders of the Company, and entitled to Votes, Qualifications, and Privileges accordingly: Provided always, that the Holders of Shares in the Western Lines 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 Eastern Lines Capital or the Central Lines Capital, or the Eastern Lines Debenture Debt or the Central Lines Debenture Debt, or relating exclusively to the Interest of the Holders of Shares in the Eastern Lines Capital or Central Lines Capital: Provided also, that the Holders of Shares in the Eastern Lines Capital or the Central Lines 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 Western Lines Capital or the Western Lines Debenture Debt, or relating exclusively to the Interests of the Holders of Shares in the Western Lines Capital.

27. In

Power to appoint additional Directors.

27. In addition to the Number of Directors authorized by the Acts 1860 and 1863, the Company may appoint Two new Directors to act with the Directors of the Company solely as the Directors of the Western Lines; provided that at the Expiration of Five Years from the passing of this Act the Two Directors so appointed shall retire from Office.

Powers for compulsory Purchases limited.

28. The Powers of the Company under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

29. 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," any Quantity of Land not exceeding Five Acres.

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

30. Subject to the Provisions of this Act and the Acts and Parts of Acts incorporated therewith, the Company from Time to Time may make and maintain the Railways 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, and for the Purposes of this Act they may enter upon, take, and use such of the Lands delineated upon the deposited Plans and described in the deposited Books of Reference as may be necessary.

Lands of C. G. M. Skinner not to be taken without Consent.

31. Notwithstanding anything in this Act or any Act therewith incorporated, the Company shall not, without the Consent in Writing of *Courtland George MacGregor Skinner* Esquire, or the Owner or Owners for the Time being of the Lands in the Parish of *Carisbrook*, numbered 91 and 92 on the deposited Plan, take or enter upon any Part of those Lands.

Railways authorized.

32. The Railways and Works by this Act authorized comprise the following Railways and Works, with all proper and sufficient Sidings, Stations, Buildings, Yards, Approaches, and Conveniences connected therewith; (that is to say,)

1. A Railway (herein-after called Railway No. 1.) commencing in the Parish of *Whippingham* in the *Isle of Wight* in the County of *Southampton* by a Junction with the authorized Line of the Company's Railway from *Newport* to *Wroxall* near to the Town of *Newport* at the North Wall of a House the Property of *George Henry Cooke*, and in the Occupation of *William Hall*, numbered 132 in the Parish of *Whippingham* on the deposited Plans of "The *Isle of Wight* Railways

Extension, 1863," (Railway No. 2.,) and terminating at *Yarmouth* in a Field commonly known as "*Holmes Land*," One hundred and twenty Yards or thereabouts East of the Gasworks, and bounded on the South by *Thorley Brook*, the Property of the Right Honourable Lord *Heytesbury*, and in the Occupation of *Philip Wright*, situate in the Parish of *Yarmouth* in the County of *Southampton*, which said Railway will pass by, from, through, in, or into the several Parishes, Townships, extra-parochial or other Places following, that is to say, *Whippingham*, *St. Nicholas*, *Carisbrook*, *Shalfleet*, *Calbourne*, *Thorley*, and *Yarmouth*, all in the *Isle of Wight* and County of *Southampton*:

2. A Railway (herein-after called Railway No. 2.) commencing in the said Parish of *Yarmouth* by a Junction with the lastly-described Railway at the Termination thereof, and terminating in a Field near to *Freshwater* Village belonging to *Benjamin Cotton* Esquire at a Point marked on the deposited Plan and Section for the Railways hereby authorized "1 Mile and 6 Furlongs" on Railway No. 2., which said Railway will pass through, in, or into the several Parishes, Townships, extra-parochial or other Places following, that is to say, *Yarmouth*, *Thorley*, and *Freshwater*, all in the said *Isle of Wight* and County of *Southampton* aforesaid:

3. A Railway (herein-after called Railway No. 3.) commencing by a Junction with the Company's authorized Railway from *Ryde* to *Ventnor*, now in course of Construction, at or near a Point Fifty Yards North of a Fence separating the Fields numbered respectively 188 and 191 on the deposited Plans of "The *Isle of Wight Eastern Section* Railway, 1860," being the Property of the *Isle of Wight* Railway Company, in the Parish of *Newchurch* in the County of *Southampton*, and terminating by a Junction with the Company's authorized Railway from *Newport* to *Wroxall* in a Field commonly known as "*Great Ground*," numbered 80 on the deposited Plans of the "*Isle of Wight* Railways (Extensions), 1863," the Property of *David England Gillingham*, in the Occupation of *Thomas Lidgeard*, in the Parish of *Godshill* in the County of *Southampton*, which said Railway will pass from, through, in, or into the several Parishes, Townships, extra-parochial or other Places following, (that is to say,) *Godshill* and *Newchurch*, all in the *Isle of Wight* and County of *Southampton* aforesaid.

Railways Nos. 1. and 2. to be "The Western Lines,"

33. The Railways Nos. 1. and 2. respectively, with the Works and Conveniences thereof respectively, shall be called "the Western

Lines," and shall form an Undertaking of the Company distinct and separate from the Company's Eastern Lines, and also from the Company's Central Lines; the Railway No. 3. with the Works and Conveniences thereof shall form Part of the Central Lines; and the several Lands which the Company are by this Act authorized to purchase and take for the Improvements of Stations, and Station and other Accommodation, and incidental Works and Conveniences, at *Brading* and *Lake* and *Shanklin* respectively, shall form Part of the Eastern Lines.

Western Lines."

Railway No. 3. to be Part of Central Lines.

34. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845, and Part I. of "The Railways Clauses Act, 1863," in reference to the crossing of Roads on a Level, the Company may carry the intended Railways respectively, so long as they respectively remain single Lines of Railway, by not more than One Line of Railway, and when the intended Railways respectively shall be doubled then by not more than Two Lines of Railway, across and on the Level of the Roads respectively numbered on the deposited Plans as follows:

Level Crossings.

RAILWAY No. 1.

No. on Plan.	Parish.	Description of Road.
42	Calbourne - - -	Public Road.
45	Shalfleet - - -	Do.
3	Thorley - - -	Do.

35. In carrying the several Roads numbered on the deposited Plans as follows under, over, or across the Western Lines the Company may make those Roads respectively of any Inclination not steeper than as follows:

Inclination of Roads.

No. on Plan.	Parish.	Description of Road.	Inclination of Road.
34	Carisbrook -	Turnpike Road and Footpath	1 in 25 and level.
34 a	Carisbrook -	Public Highway - -	1 in 25 and level.
22	Calbourne -	Public Highway - -	1 in 16.
16	Freshwater -	Public Highway - -	1 in 16 and level.

36. The

Period for Completion of Railways.

36. The several Railways by this Act authorized shall be completed and opened for public Traffic 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 making those Railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall be then completed.

Security for Completion of Railways within Time limited.

37. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Eighteen thousand seven hundred Pounds Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, purchased for the Sum of Sixteen thousand eight hundred Pounds, being Eight *per Centum* upon One hundred and seventy-four thousand Pounds, the Amount of the Estimate of the Expense of the Railways by this Act authorized, and Thirty-six thousand Pounds, the estimated Expense of another Railway (No. 4.), which has been omitted from this Act in its Progress through Parliament, has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect to the Application to Parliament for this Act: And whereas Eight *per Centum* on the said Sum of One hundred and seventy-four thousand Pounds amounts to Thirteen thousand nine hundred and twenty Pounds, which, at the Price at which the said Stock was taken, would have bought Fifteen thousand four hundred and ninety-four Pounds Five Shillings and Ninepence of such Stock: Therefore, notwithstanding anything contained in the said recited Act, the Sum of Fifteen thousand four hundred and ninety-four Pounds Five Shillings and Ninepence, Part of the said Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of that Sum, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, be paid or transferred to or upon the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the "Western Lines" Capital and the "Central Lines" Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act with respect to the "Western Lines" and "Central Lines" a Sum equal in Amount to such One Half of the said respective Capital; and if the said Period shall expire before the Company shall either have opened the Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Fifteen thousand

thousand four hundred and ninety-four Pounds Five Shillings and Ninepence, Part of the said Stock so transferred as aforesaid, and the Interest 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 said Sum of Thirteen thousand nine hundred and twenty Pounds as aforesaid shall have been executed by the Company, with One or more Surety or 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 Sum of Thirteen thousand nine hundred and twenty Pounds if the Company shall not within the Time limited for the Completion of the Railways either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the "Western Lines" Capital and the "Central Lines" Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act with respect to the "Western Lines" and "Central Lines" a Sum equal in Amount to such One Half of the said respective Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Sum of Fifteen thousand four hundred and ninety-four Pounds Five Shillings and Ninepence, Part of the Stock so transferred, and the Interest or Dividends thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Fifteen thousand four hundred and ninety-four Pounds Five Shillings and Ninepence, Part of the Stock so transferred, and the Interest and Dividends thereof, would be 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 Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Release of Balance of Stock deposited.

38. On the Application of the Persons or the Majority of the Persons named in the Warrant or Order by which the Transfer of the said Sum of Eighteen thousand seven hundred Pounds Stock in manner aforesaid was directed to be made, or of the Survivor or Survivors of those Persons, or of the Executors or Administrators of the last Survivor, by Petition in a summary Way, at any Time after the passing of this Act, the High Court of Chancery may and shall order that the Sum of Three thousand two hundred and five Pounds Fourteen Shillings and Threepence Stock (the Balance of the said Sum of Eighteen thousand seven hundred Pounds Stock), and the Dividends thereon, shall be transferred and paid to the Persons or Person so applying, or to any other Persons or Person whom they or he may appoint in that Behalf.

Tolls under this Act to be same as Tolls under Act of 1860.

39. The Company may demand and take, in respect of the Railways by this Act authorized, 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, and for all Services performed by the Company thereon, and for all other Matters with respect to Traffic thereon, the like Amount of Tolls, Fares, Rates, and other Charges as by the Act of 1860 the Company are authorized to demand and take in respect of the Eastern Lines, as if the Railways by this Act authorized had been authorized to be made by that Act.

Maximum Tolls.

40. Provided always, That the maximum Mileage Charges to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Railways by this Act authorized, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of the Traffic thereon, shall not exceed the Sums in that Behalf limited by the Act of 1860; provided also, that the Limit of maximum Charges shall be subject to the Provisions of Sections 41 and 42 of the Act of 1860.

For Tolls Eastern, Central, and Western Lines to be be deemed continuous.

41. For estimating the Amount of Tolls, Fares, Rates, and Charges to be taken by the Company the Eastern Lines, Central Lines, and Western Lines by the Acts of 1860 and 1863 and this Act respectively authorized shall be deemed One continuous Line of Railway.

Power to Company to enter into Agreements with other Companies and Ryde

42. The Company on the one hand, and the *Ryde* Pier Company, the *Isle of Wight* Ferry Company, the *Stokes Bay* Railway and Pier Company, the *Portsmouth* Steam Boat Company, and the *Southampton, Isle of Wight, and South of England* Royal Mail Steam Packet Company, (herein called the Five Companies,) or any of them, or the *Ryde*

Commissioners as to Traffic, &c.

Ryde Commissioners, incorporated by "The *Ryde* Improvement Act, 1854," on the other hand, may from Time to Time, under the Authority of this Act, enter into Agreements for the following Purposes; that is to say,

For the Regulation, Interchange, and Transmission of all or any Part of the Traffic of the Company or of the Five Companies respectively:

For the Apportionment between the Company and the Five Companies respectively of all or any of the Tolls, Rates, Receipts, and Duties of and incident to or arising from such Traffic or any Part thereof:

For the joint User by the Company and by the Five Companies respectively of or over all or any of the Stations, Works, or Conveniences of the Five Companies respectively:

For the joint User by the Company and the *Ryde* Commissioners of or over all or any of the Works or Conveniences of the *Ryde* Commissioners:

And every such Agreement shall be deemed a Working Agreement within the Meaning of Part III. relating to Working Agreement of "The Railways Clauses Act, 1863:" Provided always, that as to any Agreement entered into under the Authority of this Act between the Company and the *Ryde* Commissioners it shall, as regards the *Ryde* Commissioners, be sufficient if entered into under their Common Seal.

Saving Rights of the Crown.

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

Interest or Dividend not to be paid on Calls.

44. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on

on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

45. It shall not be lawful for the Company, out of any Money by any Act relating to the Company 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 for the Time being 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.

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

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

Expenses of Act.

47. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company, and shall be apportioned between the Eastern Lines, Central Lines, and Western Lines respectively in proportion to the several Amounts of Eastern Lines Capital, Central Lines Capital, and Western Lines Capital by this Act authorized.

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