ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxlv.

An Act for enabling the *London and South-western* Railway Company to make Extensions of the *Guildford Extension and Portsmouth and Fareham* Railway near *Portsmouth*, and a Deviation in the authorized Line thereof near *Godalming*.

[9th *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called the "*Guildford Extension and Portsmouth* 9 & 10 Vict.
and Fareham Railway Act, 1845," and thereby a Company c. 252.
was incorporated by the Name of the *Guildford Extension and Portsmouth and Fareham* Railway Company, and was authorized to make Railways from the *Guildford Junction* Railway at *Guildford* to *Godalming*, and from the *London and South-western* Railway at *Fareham* to or near to the Town of *Portsmouth:* And whereas, in exercise of the Powers by the same Act conferred on the said *Guildford Extension and Portsmouth and Fareham* Railway Company, and on the *London and South-western* Railway Company, the Undertaking authorized by the

the said Act, and all the Powers and Authorities granted by the said Act for the making and Maintenance thereof, have been transferred to and are now vested in the said *London and South-western* Railway Company, and the said Railway and Works are now in course of Construction by the said last-mentioned Company: And whereas the making of Alterations in the Line of the said *Guildford Extension and Portsmouth and Fareham* Railway near *Portsmouth*, and also near *Godalming*, and the Extensions thereof to the *Lion Gate Road* and to Her Majesty's Dockyards at *Portsmouth*, would be attended with public Advantage, and the said *London and South-western* Railway Company are willing to execute the same Alterations and Extensions, but are unable to do so 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, That all Provisions, Matters, and Things contained in the said herein-before recited Act and the Acts incorporated therewith, or any of them, so far as the same are now unrepealed, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, shall extend to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same several Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes and Things.

Recited Act, and Acts incorporated therewith, extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Notices, and other Proceedings, it shall be sufficient to use the Expression "The *London and South-western* Railway Company's *Portsmouth* Extensions and *Godalming* Deviation Act, 1847."

Power to raise additional Capital by Creation of new Shares.

III. And whereas the estimated Expence of making the said Railways, Deviation, and Extensions and Works connected therewith is Fifty thousand Pounds; be it therefore enacted, That it shall be lawful for the Company to raise, by the Issue of new Shares in the Undertaking of the Company of such Amount and respectively in such Classes, on such Terms, and with such Privileges, and subject to such Restrictions as the Company shall think fit, the further Sum of Fifty thousand Pounds: Provided always, that the nominal Amount of any such Share shall be such a Sum not exceeding Fifty Pounds as the Directors of the Company shall determine.

Directors to fix Number and Amount of Shares.

IV. And be it enacted, That the Directors of the Company are hereby required, within Six Calendar Months after the passing of this Act, to fix and determine the Number of such Shares, and the nominal Amount of each of them, and the Classes, if any, into which such Shares shall be divided; and thereupon the said several Shares shall be duly numbered in regular Order of arithmetical Progression, and every such Share shall always be distinguished by the Number to be originally

originally applied to the same; and the said Sum hereby authorized to be raised in Shares shall be exclusive of and in addition to the Sums which the Company shall be authorized to raise in Shares by any other Act or Acts passed in the present Session of Parliament, except the *London and South-western* Railway Company's Additional Capital Act, 1847, and shall be included in and not be in addition to the Sum authorized to be raised in Shares by the last-mentioned Act.

Interest not to be paid on Calls paid up.

V. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

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

As to voting in respect of new Shares.

VII. Provided also, and be it enacted, That no Proprietor of any new Shares the total nominal Amount whereof shall be fixed at less than Fifty Pounds shall be entitled to vote in respect of the Number of such Shares held by him, but for the Purpose of voting the Amount of Capital in the Company represented by all such new Shares held by him shall be considered as divided into as many Fifty Pound Shares as such Amount of Capital will admit of, and of the Right of voting of such Proprietor in respect of such new Shares of less nominal Amount than Fifty Pounds each shall be determined by the Number of Fifty Pound Shares into which the Amount of Capital represented by such new Shares held by him shall be capable of being divided.

Power to make Calls on new Shares.

VIII. And be it enacted, That, subject to the Provisions of this Act, the Directors of the Company shall have Power from Time to Time, and at any Time after the passing of this Act, to make, at their Discretion, such Call or Calls of Money from the Subscribers to and Proprietors of the said new Shares by this Act authorized to be created

created as the Directors shall from Time to Time find necessary for the Purposes of the Company, so that no such Share shall exceed Ten *per Centum* of the total nominal Value of such new Share, and so that there shall be an Interval of Three Calendar Months at least between the Days of making every Two successive Calls.

Notice to be given when Call made.

IX. And be it enacted, That the several Sums of Money so to be called for shall be paid on such Banks, or to such Persons, and (subject to the Restrictions herein contained) at such Time and Place, and in such Manner as the Directors shall from Time to Time direct and appoint, of which Time and Place Twenty-one Days Notice at least shall be previously given by Advertisement under the Hands of the Secretary of the Company, inserted in One or more of the daily *London* Newspapers, and in One or more Newspaper or Newspapers usually circulated in each of the Counties of *Surrey*, *Southampton*, *Wilts*, and *Dorset*; and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said Act of the First Year of Her present Majesty, and the said Act of the Fifth Year of His said late Majesty as altered and amended by the said first-mentioned Act, for compelling the Payment of Calls, and for forfeiting the Shares of such Proprietors as shall be in default, and for Payment of Subscriptions in advance in case the Directors shall think proper to accept the same, shall extend and be applicable to the new Shares by this new Act authorized to be created, as fully and effectually, to all Intents and Purposes, as if the same had been repeated and re-enacted in this Act in respect of the said new Shares hereby authorized to be created: Provided always, that no Proprietor or Owner of any new Share hereby authorized to be created shall in any Case be liable to pay any greater Sum in the whole than the total nominal Amount at which each such new Share shall be fixed and determined by the Directors of the Company, in pursuance of the Power herein contained.

Power to borrow a further Sum of Money on Mortgage, &c.

X. And be it enacted, That it shall be lawful for the Company, when and as soon as the whole of the total Amount of the Capital of the Company authorized by the said Acts and this Act to be raised by Subscription shall have been actually subscribed or taken up, and One Half thereof paid up, by an Order of any General or Special General Meeting of the Company, from Time to Time to borrow and take up at Interest any further or additional Sum of Money not exceeding (besides and exclusive of the Sums of Money authorized to be borrowed by the said Acts or any of them, and exclusive of and in addition to any Sum or Sums which the said Company may be authorized to borrow by the passing of any Act or Acts in this present Session of Parliament, except the *London and South-western* Railway Company's Additional Capital Act, 1847, and to be included in and not to be in addition to the Sum authorized to be borrowed by the last-mentioned Act,) the Sum of Sixteen thousand Pounds, on

the Credit of the said *London and South-western* Railway, including the Branches and Extensions thereof, as to them shall seem proper; and thereupon to secure Repayment thereof, with Interest, to such Persons as shall be found willing to lend the same, by such Mortgages, Assignments, or Bonds as are authorized by the said Acts or some of them in respect of the Sum thereby authorized to be borrowed.

Provisions of recited Acts as to the borrowing of Money to apply to this Act.

XI. And be it enacted, That all the Powers, Authorities, and Provisions, Directions, Remedies, Regulations, Matters, and Things in the said Acts contained, relating to or in anywise affecting the borrowing of Money, and the Augmentation of Capital Stock instead of borrowing, or by the Conversion of Money borrowed into Capital Stock, and relating to or in anywise affecting Mortgages and Assignments, and Transfers of Mortgages and Assignments, and Mortgages and Assignees, and Transferees of Mortgagees and Assignees, shall extend and be applicable to the said additional Sum of Sixteen thousand Pounds hereby authorized to be raised as aforesaid, in the same Manner as the same extend and are applicable by the said recited Acts to the Sum thereby authorized to be borrowed as aforesaid.

Mortgages, &c. to be stamped.

XII. Provided always, and be it enacted, That any Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Mortgages under former Act to have Priority.

XIII. Provided always, and be it enacted, That Mortgages already granted under the Powers of the said recited Act shall during the Continuance thereof have Priority over any Mortgages to be granted under the Powers of this Act.

Railways to be made according to deposited Plans.

XIV. And whereas Plans and Sections of the intended Extension Lines and altered Line of Railway, showing the respective Lines and Levels thereof, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace for the Counties of *Southampton* and *Surrey*; be it enacted, That, subject to the Provisions in this and the said Acts, and the Acts incorporated therewith, contained, it shall be lawful for the said *London and South-western* Railway Company to make and maintain the said Railways and Works herein-after more particularly described in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and upon the Levels defined

on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Description of Lines of Railway.

XV. And be it enacted, That one of the said Extension Lines of Railway (herein-after called the *Lion Gate Road* Line) shall commence in the Parish of *Portsea* in the said County of *Southampton* at the Point where the authorized Line of the said *Guildford Extension and Portsmouth and Fareham* Railway is shown on the deposited Plans thereof as crossing the public Highway numbered on the said Plans 169 in the said Parish of *Portsea*, and shall terminate in the Parish of *Portsmouth* in the same County on the Northern Side of the *Lion Gate Road* near its Junction with the *Union Road* there, and the other of the said Lines (herein-after called the *Dockyard* Line) shall commence at the same Point as the *Lion Gate Road* Line, and shall terminate at the North-eastern End of Her Majesty's Dockyard in the said Parish of *Portsea;* and the said intended Alteration of or Deviation from the said authorized Line of the said *Guildford Extension and Portsmouth and Fareham* Railway shall commence in the Parish of *Saint Nicholas Guildford* in the said County of *Surrey* in Land numbered 24 in the same Parish on the said deposited Plans of the said *Guildford Extension and Portsmouth and Fareham* Railway, and terminate in a Field in the Parish of *Godalming* in the same County, numbered 1 in the same Parish on the same Plans.

Power to abandon a certain Portion of Railway.

XVI. And be it enacted, That it shall be lawful for the said *London and South-western* Railway Company, and they are hereby authorized and required, to abandon and not to execute such Parts of the original Line or Lines of the said *Guildford Extension and Portsmouth and Fareham* Railway as lie between the respective Points of Commencement and Termination of the proposed Deviation of the said last-mentioned Railway near *Godalming*, and also between the Point at which the said *Lion Gate Road* Line and the said *Dockyard* Line will respectively commence, and the Terminus of the said *Guildford Extension and Portsmouth and Fareham* Railway at *Portsmouth*, described in the said first-recited Act, which by reason of the making of the Extensions and Alterations by this Act authorized in such original Line or Lines will be rendered unnecessary.

Nothing to authorize the Company to interfere with the Property of the Ordnance without Consent.

XVII. And whereas it is indispensably necessary that the Fortifications and other public Property belonging to Her Majesty, and under the Charge of the Board of Ordnance, should be preserved from Injury or Obstruction in consequence of the said Railway; be it therefore enacted, That nothing in this Act contained shall authorize the said Company to construct the said Line of Railway, or to enter upon or possess or occupy any Buildings or Lands belonging to Her Majesty, and under the Control or Management of the Board of Ordnance, in the Parish of *Portsea* or elsewhere, for the Purposes of the said Railway, without the Consent of the said Board of Ordnance, to

be expressed by Writing under the Hand of the Secretary of the said Board for the Time being, first had and obtained.

Not to deviate from Plans deposited at the Admiralty.

XVIII. And be it enacted, That no Deviation of the Line of the said Railway to the North or Harbour Side shall be made from the continuous Black Centre Line shown on the Plans deposited at the Admiralty Office.

Not to commence Dockyard Extension without Consent of Admiralty.

XIX. And be it enacted, That previously to the Commencement of the Extension of the said Railway to *Portsmouth* Dockyard the said Company shall deposit at the Admiralty Office longitudinal and cross Sections of the Line of the said Railway, showing the Levels of High and Low Water Mark, and until approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord Admiral, the said Extension shall not be commenced; and the said Company shall construct such Passages over, under, and across the said Railway as shall be directed and approved of by the said Lord High Admiral or the said Commissioners, such Direction and Approval to be signified by Writing under the Hand of the Secretary of the Admiralty.

Company to construct Sea Wall.

XX. And be it enacted, That the said Company shall, on the Requirement of the said Lord High Admiral or the said Commissioners, construct a Sea Wall parallel to and Forty Feet distant from the said Railway on the Harbour Side, for the free Accomodation of the Public and the said Wall shall be of such Width and Dimensions as the said Lord High Admiral or the said Commissioners shall by Writing under the Hand of the Secretary of the Admiralty direct.

If Bridge, &c. abandoned, Admiralty may remove same.

XXI. And be it enacted, That if any Bridge or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, 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.

Power to cross Roads on the Level.

XXII. And be it enacted, That in making the said several Railways it shall be lawful for the Company to construct the same across and on the Level of the following Roads shown on the said Plans; (that is to say,)

On the *Lion Gate Road* Line:

In the Parish of *Portsea* in the said County of *Southampton*, the Roads numbered 181 and 268:

On

On the *Dockyard* Line:

In the said Parish of *Portsea*, the Road numbered 109.

Company to erect a Station or Lodge at Points of crossing, and to be subject to Regulations of the Commissioners of Railways.

XXIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation 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.

Land for extraordinary Purposes.

XXIV. And be it enacted, That the further Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Period for compulsory Purchase of Lands limited.

XXV. And be it enacted, That the Powers of the Company for compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railways, &c.

XXVI. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railways hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Company to take same Tolls as on existing Line of the London and South-western Railway.

XXVII. And be it enacted, That the said *London and South-western* Railway Company may, subject to the Provisions contained in the several Acts relating to the *London and South-western* Railway, lawfully demand and receive, in respect of the *Guildford Extension and Portsmouth and Fareham* Railway, and the *Extension* Railways and Works hereby authorized to be made, for the Tonnage of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of Locomotive Engines, or other Power for drawing or propelling supplied by the Company, and for the Conveyance upon the same Railways or any Part thereof respectively, in Waggons or Carriages belonging to

to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, and for Wharfage, Warehousing, and Cranage, such Amount of Tolls and other Charges as by the said Acts the said Company are authorized to demand and receive in respect of the same several Matters and Things, Privileges, and Duties respectively, on or in respect of the Main Line of the said *London and South-western* Railway, or the Works connected therewith, or any Part thereof.

Maximum Charges.

XXVIII. Provided always, and be it enacted, That the maximum Charges to be made by the Company in respect of all the Tolls and Charges for the Use of the said *Guildford Extension and Portsmouth and Fareham* Railway, and the Extensions thereof and Alterations therein, hereby authorized to be made, and of Carriages, Waggons, or Trucks, and for locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company), shall not exceed the Sums in that Behalf limited by "The *London and South-western* Railway Company's Amendment Act, 1846:" Provided also, that the said maximum Charges shall not extend to Articles, Matters, or Things, Passengers, Beasts, Cattle, and Animals, conveyed by or in any Express Special Train; and that in all Cases where any such Articles, Matters, or Things, Passengers, Beasts, Cattle, and Animals, shall be conveyed on the said *Guildford and Portsmouth and Fareham* Railway, including the Extensions thereof and the Alterations therein, hereby authorized to be made, for a less Distance than Six Miles, the Company may demand and receive the before-mentioned maximum Charges for Six Miles.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. c. 57. & 105.

XXIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways,* and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized to be made or the said *London and South-western* Railway Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in

respect to the same Railway and Branch Railways and Company, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

XXX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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.

Public Act.

XXXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.