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An Act for making a Railway from Axminster in the County of Devon to Lyme Regis in the County of Dorset; and for other purposes. [14th August 1871.]

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WHEREAS the making of a railway from Axminster in the county of Devon to Lyme Regis in the county of Dorset would be of great local and public advantage:

And whereas the persons herein-after named, with others, are willing at their expense to carry the proposed undertaking into execution:

And whereas plans and sections of the intended railways showing the lines and levels thereof, together with books of reference to the said plans containing the names of the owners, lessees, and occupiers of the lands and property which may be required for the purposes of the undertaking, have been deposited in the respective offices of the clerks of the peace of the counties of Devon and Dorset, and the same are in this Act referred to as the deposited plans, sections, and books of reference respectively:

And whereas it is expedient that the Company incorporated by this Act should be empowered to enter into traffic and other agreements as herein-after in that behalf expressed:

And whereas the objects 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 Lyme Regis Railway Act, 1871."

Provisions of general Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, Part I. of the Companies Clauses Act, 1863 (relating to the cancellation and surrender of shares), the Lands Clauses Consolidation Acts, 1845,

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1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. of the Railways Clauses Act, 1863 (relating to construction of a railway), and Part III. (relating to working agreements) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" shall mean the company incorporated by this Act; the expression "the railway" or "the undertaking" shall mean the railway or undertaking by this Act authorised, or any part thereof; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Ralph Ward Jackson, Frederick Hinton, John Weston, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be incorporated by the name of the Lyme Regis Railway Company, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is:

A railway seven miles two furlongs nine chains ninety-one links or thereabouts in length, commencing in the parish of Axminster in the county of Devon by a junction with the London and South-western Railway, and terminating in the parish of Lyme Regis in the county of Dorset, in or near a field reputed to belong to Henry Cornish Henley and in the occupation of John Groves.

Capital.

6. The capital of the Company shall be sixty-five thousand pounds in six thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Power to divide shares.

9. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of the dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

11. Each preferred half share shall be entitled out of the profits of each share to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the

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payment of the full amount of the dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

12. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

13. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

14. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled, &c.

15. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

16. The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-one thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of sixty-five thousand pounds is subscribed for, issued,

and accepted, and one half thereof is paid up, and the Company 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 such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall be not less than two thousand pounds in the whole.

Application of moneys.

19. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

20. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

21. The number of directors shall be three.

Qualification of directors.

22. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

23. The quorum of a meeting of directors shall be two.

First directors.

24. Ralph Ward Jackson, Frederick Hinton, and John Weston shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present, in person or by proxy, may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the places of those not continued in office, the directors appointed by this Act being if qualified eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from

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office agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, 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 same Act.

Lands for extraordinary purposes.

25. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Powers for compulsory purchases limited.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

27. The railway shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railway or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to alter levels of certain roads.

28. In altering, for the purposes of this Act, the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
60	Up Lyme -	Public - -	1 in 8.5
20	Lyme Regis -	Public - -	1 in 8.5

Deposit money not to be repaid until line opened or half the capital paid up and expended.

29. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the 9th and 10th years of Her present Majesty, chapter 20, a sum of three thousand pounds, being five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said recited Act the said sum of three thousand pounds so deposited as aforesaid in respect of the application for this Act shall not 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 survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for

completion of the railway hereby authorised to be made, either open the said railway 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 Company have paid up one half of the amount of the capital by this Act authorised to be raised 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 the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, 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.

Application of deposit.

30. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit, and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid 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 survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid 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.

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Tolls.

Tolls for passengers.

31. The Company may demand and take in respect of the use of the railway, any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

For any person conveyed in or upon any carriage, the sum of twopence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile:

For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile:

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages belonging to the Company, an additional sum of one penny per mile:

For every calf, pig, sheep, lamb, and other small animal, one penny halfpenny each per mile; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per mile.

Tolls for goods.

32. In respect of goods conveyed on the railway:

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, ashes, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding twopence halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding fourpence; and if con-

veyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

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 belonging to the Company, not exceeding sixpence per mile, and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

33. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

34. The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles the Company may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls for passengers, animals, and goods as for one mile:

For a fraction of a ton the Company may demand tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, elm, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

35. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

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For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit not exceeding eightpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which, with the carriage, shall exceed eight tons, the Company shall demand such sum as they think fit.

Maximum rate for passengers.

36. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum rate for animals and goods.

37. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company) shall not exceed the following sums; (that is to say,)

For every horse, mule, or other beast of draught or burden, fourpence per mile:

For cattle, threepence per head per mile:

For calves, pigs, sheep, and small animals, twopence per mile:

For all coal, coke, and other articles herein-before classed therewith, three halfpence per ton per mile:

For all iron and other articles herein-before classed therewith, threepence halfpenny per ton per mile:

For all sugar, grain, and other articles herein-before classed therewith, fourpence per ton per mile:

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile:

And for every carriage of every description, not being a carriage adapted and used for travelling on a railroad, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and one penny halfpenny for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

38. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

39. No station shall be considered a terminal station in regard to any goods conveyed on the railway, except such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

40. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

41. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger train.

Agreement between provisional directors and London and South-western Railway

42. The articles of agreement, herein-after called the scheduled agreement, dated the twenty-third day of March 1871, made between provisional directors of the Company of the one part, and the London and South-western Railway Company of the other part, and a copy whereof is set forth in the schedule to this Act, is by

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Company confirmed.

this Act confirmed and made obligatory on the Company and the London and South-western Railway Company, and may and shall have full effect and as if the scheduled agreement had been entered into by the Company after its incorporation instead of by provisional directors thereof.

Power to enter into traffic arrangements with London and South-western Railway Company.

43. Subject and without prejudice to the scheduled agreement, the Company on the one part and the London and South-western Railway Company on the other part may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, and maintenance of the railway or of any part or parts thereof:

The supply of any rolling or working stock and of officers and servants for the conduct of the traffic on the railway:

The payment to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between the said companies of the receipts arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on London and South-western Railway.

44. During the continuance of the scheduled agreement or any other agreement to be entered into under the provisions of this Act for the use of the railway by the London and South-western Railway Company, the railways of the Company and of the London and South-western Railway Company shall be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the London and South-western Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles, and for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only, and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the London and South-western Railway Company.

Interest not to be paid out of capital.

45. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Deposits for future Bills not to be

46. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money which, by

any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or execute any other work or undertaking.

paid out of Company's capital.

47. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or 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 tolls for small parcels and the maximum rates of fares and charges by this Act authorised.

Railway not exempt from provisions of present and future general Acts.

48. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

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SCHEDULE.

Articles of Agreement, made the twenty-third day of March one thousand eight hundred and seventy-one, between the undersigned provisional directors of the Lyme Regis Railway Company (herein-after called the Owning Company) of the one part, and the London and South-western Railway Company (herein-after called the Working Company) of the other part.

Article 1. The Owning Company shall, within three years after the passing of their now pending Bill, at their own expense acquire in fee simple, and free from all incumbrances, rentcharges, land tax, rents, and outgoings, except a duly apportioned amount of the tithe commutation rentcharge, all the necessary land and properties for forming the site of the railway described in and proposed to be authorised by their now pending Bill, and for forming the site of the several stations, approaches, works, and conveniences necessary and proper to be made in connexion therewith, which railway and conveniences are enumerated or referred to in Articles 2 and 3, and are in these articles comprised under the expression "the railway."

Article 2. The railway mentioned in Article 1, at the expense of the Owning Company—

(*a.*) Shall be constructed within the period limited by Act of Parliament properly and substantially on the narrow gauge of 4 feet 8½ inches exclusively;

(*b.*) Shall commence by a junction, the point whereof and its incidental details shall be fixed by the Working Company, with the Working Company's railway near Axminster, and subject to the provisions of Article 7, within the limits proposed to be authorised by the pending Bill and the deposited plans and sections of the Owning Company, and shall terminate in the parish of Lyme Regis in the county of Dorset, in a field numbered 32, 34, and 34A on the deposited plans in that parish;

(*c.*) Shall be constructed, finished, and completed as a single line of railway at least, with land and over bridges for a double line of railway throughout, and with all proper lengths of double line for passing places at each station, and with signals, telegraph communication, mile and inclination posts, and all incidental works and conveniences, including proper and sufficient stations at Up Lyme and Lyme Regis, on such sites and in such positions as shall be consistent with the statutory powers and obligations of the Owning Company, and so that the gradient at and near each such station shall be such as the Board of Trade approves, and in no case steeper than 1 in 300;

(*d.*) Shall also include proper and sufficient station and gate houses, waiting rooms, platforms, station yards, approaches, buildings, goods sheds, engine shed, turntables, sidings, water tanks, cranes, and water loading banks, cranes, and signals, so as to be in every respect fit and safe for traffic of all descriptions, and to the satisfaction of the Board of Trade and of Mr. William Jacomb, civil engineer, herein-after called the engineer, or, in case of his death or inability to act, of a competent engineer, herein-after called his successor, to be appointed in writing by the Working Company in his room;

(*e.*) Shall be constructed with double-headed rails weighing not less than 75 pounds to the yard, and of the same section and quality as that now used by the Working Company, such rails to be properly jointed by fish plates and $\frac{3}{4}$ bolts, and supported in chairs weighing not less than 28 pounds each, and well fastened to the sleepers by hard wood trenails and $\frac{5}{8}$ths spikes, with keys of compressed oak not less than 6 inches in length, with sleepers of larch or Scotch fir or Baltic rectangular timber, properly creosoted, not less than 10 inches by 5 inches in section, and 9 feet in length, and to be placed at intervals averaging not more than 3 feet from centre to centre, those next the joints to be 2 feet 2 inches from centre to centre;

(*f.*) Shall be properly ballasted with good clean ballast for a thickness of not less than 18 inches, and a width of not less than 12 feet;

(*g.*) Shall be in the particulars in this Article enumerated, and in every other respect so completed as to be fit and safe for traffic of all descriptions, and to the satisfaction of the Board of Trade and of the engineer or his successor;

(*h.*) Shall be constructed with no curve except the curve at a distance of 1 mile 2 furlongs, and also except the curves between 4 miles 1 furlong and 5 miles 1 furlong, and between 5 miles 7 furlongs and 6 miles 1 furlong from the commencement of the railway on the deposited plan of sharper radius than 15 chains, and the line shall be so laid out and constructed as to effect the stipulation in this sub-section mentioned.

Article 3. The railway shall at the expense of the Owning Company comprise all works required by turnpike trustees, highway surveyors or other bodies or landowners, or others, under any statutory right or under any agreement, and all works rendered necessary by reason of roads being interfered with by the railway, and all additional works or conveniences which shall from time to time be necessary to be provided for the accommodation of the traffic, or which the Owning Company would find it necessary to construct if they were themselves working the railway.

Article 4. The Owning Company shall at their own expense maintain and keep the railway in good repair and condition for the twelve months following the opening thereof for public traffic, and shall apportion or redeem and pay the land tax, and apportion the tithe rentcharge, and pay the property or income tax, and all yearly rentcharges, if any, and all quitrents and other incidents of tenure, and all other landlord's taxes and charges, if any.

Article 5. The Working Company will bear and pay all charges and expenses relating to the working and user by them of the railway and the traffic thereon,

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including the maintenance of the railway after the first twelve months from the opening of the railway for traffic, and will from such opening work in perpetuity the railway, retaining fifty per cent. of the gross receipts in respect thereof. The Government duty to be paid by the Working Company and to be deducted from the gross receipts before calculating the allowance for working.

Article 6. For the purpose of ascertaining the gross receipts mentioned in Article 5 for traffic conveyed on the railway—

(*a.*) All receipts in respect of the conveyance of traffic on the railway and not beyond it, including terminals (if any), after deduction of cartage, &c., shall be attributed to those gross receipts ;

(*b.*) The receipts from traffic conveyed partly on the railway and partly on railways owned, leased, or worked by the Working Company, or on other railways in connexion therewith, shall be divided (after deduction of cartage where the traffic is conveyed at carted rates) according to mileage, and a due mileage proportion shall be attributed to the railway ;

(*c.*) As regards terminals, no terminal shall be included in the gross receipts of the railway in respect of traffic passing between the railway and lines owned, leased, or worked by the Working Company, but where traffic passes between railways not owned, leased, or worked by the Working Company and the railway (through the clearing house), any terminal credited by the clearing house to the railway will be included in the gross receipts of the railway, after deduction for cartage, &c.

Article 7. The junction between the railway and the railway of the Working Company, with all proper and necessary signals and locking apparatus, shall, subject to these provisions, be constructed at the point and in the manner mentioned in Article 2, shall be made, worked, and maintained by that Company at the expense in all respects of the Owning Company, and if the Working Company shall, in writing, under the hand of their secretary, so require, the railway shall commence instead of at the above-mentioned point of junction at such point nearer to the Axminster station as the Working Company shall in their notice indicate, the Working Company in that event acquiring the necessary additional land and executing the necessary additional length of railway.

Article 8. The pending Bill of the Owning Company shall be amended so far as Parliament will permit, according to the amended Bill, signed by the solicitors of the respective Companies, and hereunto annexed, and the petition of the Working Company against the Bill shall not be proceeded with except for the purpose of obtaining performance of these articles.

Article 9. The arrangement effected by these articles shall be perpetual, and if and so soon as there shall be parliamentary powers for the purpose (the application for which may be made by either of the Companies and shall be assented to by the other Company) the railway shall, at the request of the Working Company, be leased to the Working Company in perpetuity or absolutely transferred to them on terms analogous to the terms of the working arrangement herein contained.

Article 10. Any difference or dispute arising between the Companies with reference to the construction of this agreement, or the matters thereof, shall be

referred to the arbitration of a sole arbitrator, under the Railway Companies Arbitration Act, 1859, and such arbitrator shall, if the Companies do not agree thereon, be nominated in case of difference by the Board of Trade.

In witness whereof the parties hereto of the first part have hereunto set their hands and the Working Company has hereunto set its common seal, the day and year first above written.

Seal of the London and South-western Railway Company.

Signed by the said Frederic Hinton in the presence of
R. Wm. Hillman,
Solicitor,
Lyme Regis.

FRED. HINTON.

Signed by the said John Weston in the presence of
W. E. Duncan,
Solicitor,
39, Lombard Street,
London.

J. WESTON.

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