CHAPTER cclx.

A.D. 1884.

An Act for constructing a subway or tunnel between East and West Cowes under the River Medina and approaches thereto and for other purposes. [14th August 1884.]

WHEREAS increased facilities for the traffic between East and West Cowes in the Isle of Wight would be of local and public advantage:

And whereas it is expedient that such facilities should be provided by means of a carriage road through a tunnel under the River Medina so as not to interfere with or impede the passage of vessels and shipping up and down the said river:

And whereas the persons herein-after named with others in this Act referred to as "the Company" are willing at their own expense upon having the powers and authorities in this Act contained conferred upon them to establish and maintain the carriage roads tunnel and other works connected therewith in this Act specified:

And whereas plans and sections showing the lines and levels of the subway with the approaches and other works to be made and maintained under the authority of this Act and the lands which may be taken for the purposes thereof together with books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited for public inspection with the clerk of the peace for the Isle of Wight which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference:

And whereas it is expedient that such other powers as are in this Act contained should be granted:

And whereas the objects aforesaid cannot be obtained 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

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Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Medina Subway Act 1884.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the temporary occupation of land near the railway during the construction thereof and the interference with roads so far as the provisions of those Acts respectively are applicable for the purposes of and are not expressly varied by or inconsistent with the provisions of this Act are respectively incorporated with and form part of this Act and for the purposes of this Act the expression "the railway" in the last-mentioned Act means the works by this Act authorised.

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 have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expression "the works" and "the undertaking" mean respectively the carriage subway approaches and other works and the undertaking by this Act authorised the expression "toll-house" "toll-houses" "toll-gate" or "toll-gates" means any toll-gate toll-house or other place erected or provided by the Company for receiving the tolls payable under this Act the expression "the boards" means the local boards of East Cowes and West Cowes 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 simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Alfred Charles Williams Harry Marchant and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of the undertaking and for those purposes shall be and are hereby incorporated by the name of "the Medina Subway 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 works 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 works herein-after described with all necessary approaches tunnels shafts buildings works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The works authorised by this Act will be situate in the Isle of Wight and county of Southampton and are as follows:—

A subway or tunnel between East and West Cowes under the River Medina commencing on the beach or foreshore in the parish of Whippingham at a point about 10 yards south of the fence or railing forming the southern boundary of the Osborne Coffee Tavern premises and about 35 yards west of the southern end of Castle Street and terminating in the parish of Northwood at a point immediately to the westward of the building known as Thetis Tower:

(1.) A roadway wholly in the said parish of Whippingham commencing in Park Street at a point on the west side of Park Street 70 yards or thereabouts south of its junction with Gerrans Street and terminating at the commencement of the subway or tunnel by this Act authorised:

(2.) A roadway wholly in the said parish of Northwood commencing on the north side of Medina Road by a junction therewith at a point 66 yards or thereabouts west of the junction therewith of Brunswick Place and terminating at the termination of the subway or tunnel by this Act authorised.

Company not to obstruct navigation.

6. Nothing contained in this Act shall authorise the Company during the construction of the works by this Act authorised to obstruct impede narrow or interfere with the channel or waterway of the River Medina or part thereof or reduce the depth thereof or any part thereof except to such an extent in such manner and for such period as may be from time to time permitted in writing by the Board of Trade under the hand of one of their secretaries or assistant secretaries and by the corporation of the borough of Newport and by the conservators for the time being of the said river and nothing contained in this Act shall authorise the Company after the completion of the said works to obstruct impede narrow or interfere with the channel or waterway of the River Medina or part thereof or to reduce the depth thereof or any part thereof. Provided always that the giving of any such permission as aforesaid

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shall not render the said Board of Trade corporation or conservators liable for any damage or injury which may be occasioned by or result from anything done by the Company in pursuance thereof.

Saving rights of Medina Conservancy Board.

7. Nothing contained in this Act shall prevent the conservators for the time being of the River Medina from placing and maintaining moorings posts and buoys in the said river or from dredging deepening widening scouring altering and improving the course of the channel or waterway of the said river or part thereof or the bed thereof and whether immediately over the subway or adjacent thereto and nothing in this Act shall extend to authorise the Company to prevent or hinder any vessel from mooring or anchoring in the said river over the said subway nor render any person liable for any damage or injury which may be occasioned to the subway by reason of any vessel so mooring or anchoring.

Saving rights of Crown grantees &c.

8. Further or otherwise than as herein-before provided nothing herein contained shall extend to divest abridge lessen alter or in any manner affect or prejudice the seisin estate right title or inheritance (if any) of any grantees of the Crown or of any corporation company or person in or to the said River Medina or near the mouth thereof or the ground or soil and bed of the same or the shores thereof or the authority therein respectively of any corporation company or person but all such seisin estate right title and authority respectively shall continue and be preserved whole and unimpaired as if this Act had not been passed.

Capital.

9. The capital of the Company shall be seventy-five thousand pounds in seven thousand five hundred shares of ten pounds each.

Shares not to issue until one-fifth paid.

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

Calls.

11. One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall intervene between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

12. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

13. 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" but the Company shall not so 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.

14. 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 once for all 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 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.

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

15. Each preferred half share shall be entitled out of the profits of each year 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 payment of the full amount of 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.

16. 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 but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificate.

17. 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.

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Forfeiture of preferred shares.

18. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors 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 the forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

19. 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.

20. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) 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 and privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

21. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eighteen thousand seven hundred pounds but no part thereof shall be borrowed until the whole capital of seventy-five thousand pounds is 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 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 persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or 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

22. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise

the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Power to create debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

24. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

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

Number of directors.

26. The number of directors shall be three.

Qualification of directors.

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

Quorum.

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

First directors.

29. Alfred Charles Williams Harry Marchant and one other person to be nominated by them and consenting to such nomination 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 nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid 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 (subject to the power herein-before contained of reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be

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directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

30. 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 three acres.

Period for compulsory purchase of land.

31. 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.

32. If the works are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Persons authorised to convey lands may grant easements.

33. The persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of such Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

34. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands the Company may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and not required for the works and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Powers of deviation.

35. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may with the consent of the Board of Trade in writing but not otherwise deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and may with the like consent deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient in passing under the River Medina and for accommodating the carriage roads and approaches to the sewerage drainage or roads of the district.

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Power to take tolls.

36. When the works or any part thereof are open for public traffic the Company may from time to time demand and take for persons animals carts carriages and other vehicles from time to time passing over the works or any part thereof any tolls not exceeding for each passage the tolls following (that is to say):—

For every person on foot the sum of one halfpenny:

For any horse or other beast drawing any chariot berlin landau phaeton hearse chaise or other such like carriage with four wheels sixpence:

If drawn by two horses or other beasts ninepence:

If drawn by four horses or other beasts one shilling:

For every horse or other beast drawing any cabriolet chaise chair gig or other carriage with less than four wheels sixpence:

For every extra horse or other beast threepence:

For every horse or other beast drawing any large dray sledge or other carriage without wheels or drawing any large waggon stage waggon van caravan wain or dray or other such like carriage with four wheels one shilling:

For every horse or other beast drawing any small dray sledge or other carriage without wheels or drawing any small waggon stage waggon van caravan wain or dray or other such like carriage with four wheels sixpence:

For each extra horse fourpence:

For every carriage of any description whether drawn by one or more horse or horses or other beast or beasts such annual sum by way of composition for the foregoing tolls as may be agreed upon between the owner of such carriage and the Company:

For every horse mule or ass ridden or not ridden laden or unladen and not drawing the sum of threepence:

For every donkey cart or anything drawn by a mule or ass the sum of threepence:

For every ox bull steer or heifer or head of neat cattle fourpence:

For every calf the sum of twopence:

For every sheep lamb or pig the sum of one halfpenny:

For sheep lambs or pigs per score the sum of sixpence:

For every wheelbarrow or handbarrow the sum of one halfpenny:

For every handtruck or barrow with two wheels one penny:

For every handtruck with four wheels twopence:

For every merlin or bath chair or velocipede the sum of twopence:

For every bicycle or perambulator or such like the sum of one penny:

For every coach chaise gig or other carriage not drawn by any horse or other beast the sum of sixpence:

Weekly passenger ticket (each) Sundays excepted not transferable sixpence:

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Weekly passenger ticket apprentices and children (each) Sundays excepted not transferable threepence:

Yearly tickets for one person twenty-one shillings:

Half-yearly tickets for one person ten shillings and sixpence.

Provided that no toll shall be demanded or taken for or in respect of any person animal cart carriage or other vehicle employed under the authority of Her Majesty's Postmaster General in the conveyance of postal packets as defined in the Post Office Act 1875 (including in the term "postal packets" parcels and telegrams) either when employed in conveying fetching or guarding the same or in returning back from conveying or guarding the same.

Power to provide toll-gates and toll-houses.

37. The Company may from time to time set up toll-gates at the entrances to the subway or the approaches thereto and remove the toll-gates and set up others in lieu thereof as they think fit and may from time to time provide and maintain such toll-houses and other conveniences near to the toll-gates as they think fit.

Tolls to be taken before passing.

38. The tolls granted by this Act shall be paid before any person animal or carriage liable to toll is entitled to pass or repass through any toll-gate erected in pursuance of this Act.

Power to vary tolls.

39. The Company from time to time at any general meeting may reduce all or any of the tolls for such time as they think proper and again raise all or any of the tolls so that the tolls never exceed the amount limited by this Act.

Tolls to be charged equally.

40. The tolls shall at all times be charged equally and after the same respective rate upon all persons and in respect of all horses beasts cattle carts carriages and other vehicles and no reduction or advance of the tolls shall either directly or indirectly be made partially or in favour of any particular person but every such reduction or advance shall take effect with respect to all persons and to all horses beasts cattle carts carriages and other vehicles of the same respective sort.

Tolls to be taken by toll collectors.

41. The tolls may be demanded and taken from time to time by such persons as the Company and the lessees of the tolls respectively from time to time appoint to be toll collectors.

Table of tolls to be put up.

42. The Company shall from time to time put up and afterwards continue in full view at every toll-gate a table printed in distinct and legible black letters on a board and on a white ground containing a list distinguishing the several tolls to be from time to time taken or paid by virtue of this Act and shall renew the boards whenever any of the letters or figures thereon are worn out defaced or obliterated and the Company shall not demand or take at any

toll-gate any toll except while the board so painted remains affixed at or near the toll-gate.

Power to stop persons failing to pay tolls and to seize and distrain horses &c.

43. If any person subject under this Act to the payment of any toll after demand made thereof by any collector appointed to receive the same fails to pay the toll the collector by himself or taking such assistance as he thinks necessary may stop and prevent the passage of the person so failing and may seize and distrain the horse beast or cattle in respect of which the toll is payable with their bridles saddles gear and harness and any cart carriage or other vehicle drawn by such horse beast or cattle.

For settling disputes concerning tolls.

44. If and whenever any dispute happens about the amount of toll due or the charges of seizing keeping or selling any distress for non-payment of such toll the collector or the person distraining may retain the distress or the money arising from the sale thereof until the amount of the toll due and of the charges be ascertained by two or more justices of the peace usually acting for the division in which the dispute happens who upon application made to them for that purpose may determine the matter in dispute and may also award such costs to be paid by either party to the other as to such justices of the peace seems reasonable.

Power to sell after distress.

45. If the tolls and the reasonable charges of such seizure and distress be not paid within three days after the seizure and distress the person so seizing and distraining may sell all the horses beasts cattle chattels carts carriages and other vehicles so seized and distrained or some or part of the same returning the overplus (if any) of the proceeds of such sale after deducting the toll and the reasonable charges of the seizure and distress and sale and what (if any) remains unsold upon demand to the owners thereof.

Penalty for fraudulently passing through works.

46. If any person fraudulently or forcibly pass over or through the works or through any toll-gate without having paid the tolls or assault obstruct or interrupt any person employed in the collection of the tolls every person so offending shall for every such offence incur a penalty not exceeding forty shillings.

Toll collector to place his name on toll-house.

47. Every toll collector shall place his Christian name and surname painted on a board in legible characters in the front or some other conspicuous part of the toll-house or toll-gate immediately on his coming on duty each of the letters of the name or names to be at least two inches in length and of a breadth in proportion and painted in black letters on a board with a white ground and shall continue the same so placed in full view during the whole time he is upon duty.

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Penalty for offences by toll collector.

48. If any toll collector commit any of the following offences:—

Firstly. Do not place such board and continue the same so placed as by this Act directed:

Secondly. Demand or take from any person a greater or less toll than he is for the time being authorised to demand or take:

Thirdly. Demand and take a toll from any person exempted from the payment thereof and claiming such exemption:

Fourthly. Refuse to permit any person to read or in anywise hinder any person from reading the inscriptions on the board or on the table of tolls put up at the toll gate:

Fifthly. Refuse to tell his christian or surname to any person who having paid any toll demand the same:

Sixthly. In answer to any such demand give a false name:

Seventhly. On the legal toll being paid or tendered unnecessarily detain or wilfully hinder or prevent any passenger from passing through the toll-gate:

He shall for each such offence incur a penalty not exceeding forty shillings.

Penalty for evading tolls.

49. If any person take off any horse or other beast from any cart carriage or other vehicle at or near to the works or at or near to any toll-gate set up under this Act and afterwards put on any horse or beast after having passed the works or any such toll-gate with intent to evade and thereby evades or endeavours to evade the payment of any part of the toll or forges counterfeits or alters or receives from or delivers to any other person any note or ticket with intent to evade the payment of any part of the tolls or if any person cause any such act to be done or aid or abet any person so acting every person so offending shall for every such offence forfeit not exceeding forty shillings.

Penalty for damaging works and other offences.

50. If any person commit any of the following offences (that is to say):—

(1.) Rides or drives or leads any horse beast cattle or any cart carriage or other vehicle over or upon the footpath of any carriage road of the Company:

(2.) Wilfully obstructs the passage of persons or things over or through the works:

(3.) Wilfully or carelessly breaks or damages any of the posts or stones erected for the security of any such footpath or scrapes off any mud soil or other thing from any part of the works so as to damage the same:

(4.) Without reasonable cause to be allowed by the justice of the peace who hears the complaint leaves any cart carriage or other vehicle or any plough harrow or other implement of husbandry

in or on any part of the works either with or without any horse beast or cattle harnessed or yoked thereto after having been ordered by the toll collector to remove the same:

(5.) Places any timber wood or bushes or any stone bricks hay straw lime dung manure soil or rubbish whatsoever on any part of the works to the prejudice thereof or to the annoyance of any person travelling on or through the same:

He shall for each offence incur a penalty not exceeding forty shillings.

Evidence of appointment and removal of toll collector.

51. A certificate in writing under the hand of the secretary of the Company or as the case may be of the lessee of the tolls shall for all purposes be sufficient evidence of the appointment or removal of any toll collector.

Power to obtain from discharged toll collector possession of toll-house &c.

52. If any toll collector when discharged or the wife widow or any of the children family or representatives of any toll collecter who may have died or any other person having the possession of any toll-house or other building being the property of the Company fail for two days after demand by notice in writing signed by the secretary of the Company or by the lessee of the tolls and given to such toll collector or to any person occupying or residing in the toll-house or left at the toll-house building or premises to deliver up possession thereof any justice of the peace usually acting for the division in which the toll-house is situate may by warrant under his hand and seal order any constable or other peace officer with requisite assistance to enter into the toll-house building or premises in the day-time and to remove all persons found therein with their goods out of the same and put the Company or lessee or any person named by them or him into possession thereof.

Recovery and application of penalties. 11 & 12 Vict. c. 43.

53. All offences under this Act and all penalties damages charges tolls and costs imposed or payable under this Act may be recovered under the provisions of the Summary Jurisdiction Acts.

Service of notice by Company.

54. Where it is necessary for the Company to serve any summons demand notice writ or other proceeding at law or in equity upon any person the same may be in writing or in print or partly in writing and partly in print and be signed by the secretary or clerk of the Company and need not be under the common seal of the Company.

Saving rights of the Crown in the foreshore.

55. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board

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of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown.

56. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown and under the charge of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the previous consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose which consent such Commissioners are hereby respectively authorised to give and as incidental to any such consent as aforesaid the Company may enter into any agreement with the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them who respectively may with the approval of the Commissioners of Her Majesty's Treasury join in every such agreement and the said Commissioners of Her Majesty's Woods Forests and Land Revenues with the like approval and the Company may respectively execute all necessary conveyances leases licenses or other deeds of or relating to any lands hereditaments or rights belonging to Her Majesty in right of Her Crown and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively and nothing in this Act 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.

For the protection of the West Cowes Local Board.

57. If the Company shall reclaim any land on the west side of the proposed subway opposite Medina Road West Cowes and to the north of the house and land numbered 6 and 7 on the deposited plans they shall dedicate to the West Cowes Local Board a right of way twenty feet in width over the land reclaimed from Medina Road to the water's edge at the northern end of the said land and shall at the eastern end of the said land construct convenient steps to the satisfaction of the said local board for the purpose of embarking upon and landing from the river. The West Cowes Local Board shall have the option of purchasing from the Company the residue of the land reclaimed and the Company shall not sell or dispose of it until they have made an offer in writing to sell it to the said local board by valuation in the usual manner and the local board shall have failed or declined for the space of one calendar month

from the service of such notice upon them to signify in writing to the Company their intention to purchase the same. If the Company remove the steps on the west side of the River Medina used in connexion with the ferry across that river they shall construct other steps for the use of the public to the satisfaction of the said West Cowes Local Board.

Provisions for the protection of the Southampton Isle of Wight and South of England Royal Mail Steam Packet Company Limited.

58. For the protection of the Southampton Isle of Wight and South of England Royal Mail Steam Packet Company Limited (herein-after in this section called the steam packet company) the following provisions shall have effect:—

(A.) Before the commencement of the works by this Act authorised the Company shall purchase and the steam packet company shall sell all their interest in the ferry or right of passage across the River Medina between East Cowes and West Cowes in the Isle of Wight in the county of Southampton and all other the premises demised by the Crown to the steam packet company under a certain indenture of lease dated the eighth day of August 1881 and also the steam floating bridge works and conveniences now worked or used by the steam packet company for or in connexion with the said ferry and demised premises and the Company shall make to the steam packet company full compensation for all loss damage or injury which they may sustain by reason or in consequence of any of the works or operations of the Company:

(B.) The purchase or consideration money to be paid by the Company to the steam packet company shall include a sum for compulsory sale and for the prospective value of the said ferry and premises demised by the said lease:

(C.) Before the commencement of the works by this Act authorised the Company shall purchase or provide for the payment in such office or manner as may be approved by the steam packet company of an annuity of fifty pounds for John Lihon Roberton at Cowes during his life:

(D.) If any difference shall arise in carrying into effect the provisions of this section the same shall be settled by arbitration in accordance with the provisions of the Lands Clauses Consolidation Act 1845:

(E.) Except as in this section otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter diminish or affect any of the estates rights powers privileges or authorities of the steam packet company:

Provided always that within three months from the completion of such purchase the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped with the full

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and proper ad valorem stamp duty in respect of the consideration for the said purchase and if the Company shall not within the said period of three months produce to the said Commissioners such deed duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of sale to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

For maintenance &c. of the Ferry between East and West Cowes.

59. The Company shall not stop or interfere with and when they shall have acquired the interests of the parties or company working the same shall maintain the efficient working of the ferry between East and West Cowes and shall not stop up the approaches thereto before the subway is completed and opened for traffic and the Company shall at all times make proper provision for the efficient working of the ferry by steam or other boats if and whenever and so often as from any cause whatever the subway shall be closed or cease to be used either temporarily or permanently.

Confirming agreement with Messrs. Hansen.

60. The agreement made between John Oliver Mason and William Fairmaner Rowell of the one part and Charles Hansen George Edward Hansen Charles Cleaver Hansen Henry Samuel Hansen and Frederick James Hansen of the other part a copy of which is set forth in the schedule to this Act is hereby confirmed and made binding according to the terms and conditions thereof upon the parties thereto and full effect shall be given thereto as if the Company were parties instead of the parties thereto of the first part and as if the same was under the seal of the Company. Provided always that any purchase which may be carried out in pursuance of the said scheduled agreement shall be evidenced by a deed of conveyance duly stamped.

Expenses of Act.

61. 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.

The SCHEDULE herein-before referred to.

AGREEMENT made between John Oliver Mason of 94 Grosvenor Road South Belgravia in the county of Middlesex gentleman and William Fairmaner Rowell of 27 St. George's Road Wimbledon in the county of Surrey gentleman on behalf of the parties promoting a Bill in the present session of Parliament entitled "The Medina (Isle of Wight) Subway Bill" such parties being herein-after referred to as the promoters of the one part and Charles Hansen George Edward Hansen Charles Cleaver Hansen Henry Samuel Hansen and Frederick James Hansen all of Cowes in the Isle of Wight yacht builders and co-partners and herein-after referred to as Messrs. Hansen of the other part.

WHEREAS the promoters are promoting a Bill in the present session of Parliament of which the short title is "Medina (Isle of Wight) Subway" and by the Bill power is sought to enable the Company proposed to be thereby incorporated to make and maintain a subway under the Medina River and for that purpose to take portions of the lands and shipbuilding yards belonging to the said Messrs. Hansen. And whereas the said Messrs. Hansen have presented a petition against the Bill and are offering opposition thereto and with the view to getting rid of such opposition and procuring the withdrawal of the said petition the promoters have agreed to enter into the arrangement herein-after set forth. Now these presents witness as follows :—

1. Notwithstanding anything in the Bill contained the Company to be incorporated thereby shall not acquire without the consent of the said Messrs. Hansen any lands or premises situate in the parish of Whippingham in the Isle of Wight belonging to the said Messrs. Hansen or any or either of them except such portions of the said lands and premises as are edged blue upon the said plan hereunto annexed and signed by the parties as relative thereto.

2. The Company shall purchase from the said Messrs. Hansen the portions of the lands and premises of the said Messrs. Hansen which are edged blue on the said plan.

3. The compensation to be paid by the Company to the said Messrs. Hansen for the land so to be purchased shall in default of agreement be settled by arbitration pursuant to the provisions of the Lands Clauses Consolidation Act 1845 and in ascertaining such compensation there shall be added such a sum as shall in the opinion of the tribunal adequately represent the loss which will be caused to the said Messrs. Hansen by the transfer to other premises of the works which are now carried on by them on the land edged blue and which form a portion of their general shipbuilding business and also such a sum as shall represent the diminution of value which will be caused to their houses called Falcon Terrace indicated on the said plan and coloured pink thereon

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by reason of the construction of the works proposed to be authorised by the Bill.

4. No building or other erection shall be erected on the said land edged blue of a greater height than six feet from the present general level of the said land nor shall any business or operation be carried on on the said land edged blue which can cause any nuisance or annoyance to the occupiers of the adjoining property.

5 And whereas the said houses called Falcon Terrace are at present approached by a road coloured green on the said plan and thereon marked "Private road to Falcon Terrace" and a portion of such road is included in the land edged blue on the said plan and is proposed to be acquired by the Company Now it is hereby agreed that before the Company shall in any manner acquire stop up or otherwise interfere with the said private road marked green or any part thereof they shall construct and validly and legally convey to the said Messrs. Hansen another road to form an access to the said Falcon Terrace of the dimensions and in the situation shown on the said plan and thereon coloured brown such road to be of a uniform width of ten feet and to extend from its junction with the said existing private road marked green to and to form a connexion with Park Street as shown on the said plan such new road to be constructed to the satisfaction of the surveyor of the said Messrs. Hansen and the title thereto to be approved by their solicitor.

6. The promoters shall pay to the said Messrs. Hansen the sum of fifty-two pounds ten shillings for their costs incurred in respect of the premises up to the date of the signature of this agreement and the Company shall pay to the said Messrs. Hansen all their costs charges and expenses properly incurred in and about carrying out the provisions thereof such sum of fifty-two pounds and ten shillings to be paid to the said Messrs. Hansen & Son within three months of the Royal Assent being given to the Bill or within three months of the abandonment of the Bill.

7. The promoters shall use their best endeavours to procure this agreement to be confirmed by Parliament in the Bill now being promoted by them as before mentioned As witness the hands of the parties this 24th day of March 1884.

Witness to the signature of
John Oliver Mason
ROBT. QUICK
13 George St.
Mansion House
Solicitor.

(Signed) J. OLIVER MASON.

Witness to the signature of
William Fairmaner Rowell
ARTHUR QUICK
13 George Street
Mansion House E.C.
Solicitor.

(Signed) WM. F. ROWELL.

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