ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xcix.

An Act for making a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey*, to be called "The *Portsmouth* Railway;" and for other Purposes.

[8th *July* 1853.]

WHEREAS a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey* would be of great public Advantage, by opening an additional and expeditious Means of Communication between *London*, *Portsmouth*, *Chichester*, the *Isle of Wight*, and other Places: And whereas the Persons herein-after named are willing, at their own Expense, to carry the said Undertaking into effect: 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:

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

I. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," herein-after referred to as the said

Consolidation Acts, shall be incorporated with and form Part of this Act.

"The Company."

II. That where in this Act the Words "the Company" occur the same shall mean the Company incorporated by this Act.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Portsmouth* Railway Act, 1853."

Subscribers incorporated.

IV. That *John Bonham Carter*, Member of Parliament, *Charles McGarel*, *Thomas Emerson Headlam*, Member of Parliament, Colonel *James John Hugonin*, Sir *William George Hylton Jolliffe* Baronet, Member of Parliament, *Reginald Neville*, Sir *Charles Taylor* Baronet, Colonel *Charles Wyndham*, and all other Persons and all Corporations who have already subscribed or shall hereafter subscribe to the Undertaking hereby authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining

A Railway commencing by a Junction with the Line of the *London, Brighton, and South Coast* Railway (*Portsmouth and Chichester* Branch) at or near the *Havant* Station on the last-mentioned Railway in the Parish of *Havant* in the County of *Southampton*, and terminating by a Junction with the *London and South-western* Railway at or near to the *Godalming* Station of the last-mentiond Railway in the Parish of *Godalming* in the County of *Surrey*, with all proper Works and Conveniences connected therewith and Approaches thereto:

And for the Purposes aforesaid such Company shall be and is hereby incorporated by the Name of "The *Portsmouth* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, and within the Restrictions herein and in the said Acts contained.

Capital.

V. And whereas the estimated Cost of the Railway is Three hundred and fifty thousand Pounds: Be it enacted, That the Capital of the Company shall be Four hundred thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and Amount of Shares.

VI. That the Number of Shares into which the Capital shall be divided shall be Twenty thousand, and the Amount of each Share shall be Twenty Pounds.

VII. That

Calls.

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

Power to borrow Money on Mortgage

VIII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Four hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Application of Money.

IX. That all the Monies to be raised by virtue of this Act, either by Shares or by borrowing, shall be applied to the Purposes of the Railway and Works by this Act authorized, and to no other Purpose whatsoever.

Mortgagees may enforce Payment of Arrears by Appointment of a Receiver.

X. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the aggregate Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Twenty thousand Pounds in the whole.

First and other Meetings.

XI. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*; and the First of such Ordinary Meetings shall be held in *London*, and all Meetings, whether ordinary or extraordinary, shall be held in *London* or *Portsmouth*.

Scale of Voting.

XII. That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For One and up to Five Shares, One Vote:

For more than Five Shares, an additional Vote for every Five Shares.

Number and Qualification of Directors.

XIII. That the Number of Directors shall be Fourteen, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

XIV. That

Power to vary the Number of Directors.

XIV. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Six.

First Directors.

XV. That *Robert Gurney Barclay* Esquire, *Charles Henry Blake* Esquire, *Henry Bonham Carter* Esquire, the Honourable *Thomas William Gage*, *Fielder King* Esquire, *Henry Lacy* Esquire, *Ross Donnelly Mangles* Esquire, Member of Parliament, *William Barrow Mew* Esquire, *Francis Mowatt* Esquire, *Thomas Ellis Owen* Esquire, Captain *Julius Roberts*, Sir *Sibbald David Scott* Baronet, *John Stewart* Esquire, and Admiral Sir *James Stirling*, shall be the First Directors of the Company.

Directors to continue in Office till Ordinary Meeting of Company.

XVI. That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting of the Company in the Month of *August* One thousand eight hundred and fifty-six; and if any Director die, or resign, or become disqualified or incompetent to act as a Director, the remaining Directors shall, within Two Months after any such Vacancy shall occur, elect in his Place some other Shareholder duly qualified to be a Director; and at and from Time to Time after the Ordinary Meeting of the Company in the Month of *August* One thousand eight hundred and fifty-six the Directors shall retire from Office, and their Places be supplied in the Manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Appointment and Rotation of Directors.

Quorum of Directors.

XVII. That the Quorum of a Meeting of Directors shall be Three.

Committee of Directors and Quorum.

XVIII. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Seven, and the Quorum of such Committees shall be Three, and when such Committee shall be reduced to Three such Quorum shall be Two.

Newspapers for Advertisements.

XIX. That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in *London* and some Newspaper published in the County of *Southampton*.

Railway to be made according to deposited Plans.

XX. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerks of the Peace for the Counties of *Surrey*, *Sussex*, and *Southampton*: Be it enacted, That,

That, subject to the Provisions contained in this Act and in the said Consolidation Acts, it shall be lawful for the Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated in the said Plans and described in the said Books of Reference, and upon the Levels defined on the Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lines of Railways.

XXI. That the Line of Railway shall pass from, through, or into the following Parishes and extra-parochial or other Places; (that is to say,) *Havant*, *Warblington*, the Tithing of *Idsworth*, *Chalton*, *Buriton*, *Petersfield*, the Tithing of *Sheet*, *Steep*, *Liss*, and *Bramshott*, all in the County of *Southampton*; *Stoughton*, *Rogate*, *Trotton cum Tuxlith*, the Hamlet of *Rogate Bohunt*, and *Linchmere*, all in the County of *Sussex*; and *Frensham*, *Haslemere*, *Thursley*, *Chiddingfold*, *Witley*, and *Godalming*, all in the County of *Surrey*.

Lands for extraordinary Purposes.

XXII. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Certain public Roads may be crossed on the Level.

XXIII. That the following public Roads, being numbered on the deposited Plans as follows, may be crossed by the Railway on the Level; (that is to say,)

No. on Plan.	Parish.	Description of Road.
6	Havant - - - -	Highway.
2	Chalton - - - -	Highway.
7	Chalton - - - -	Highway.
55	Buriton - - - -	Highway.
106	Buriton - - - -	Highway.
9	Petersfield - - - -	Turnpike Road.
16	Tithing of Sheet - - -	Highway.
18	Tithing of Sheet - - -	Highway.
28	Tithing of Sheet - - -	Highway.
35	Steep - - - - -	Highway.
14	Liss - - - - -	Highway.
37	Liss - - - - -	Highway.
68	Liss - - - - -	Highway.
54	Bramshott - - - -	Highway.
117	Witley - - - -	Highway.
49	Godalming - - - -	Highway.
74	Buriton - - - -	Highway.
2	Thursley - - - -	Highway.

Company to erect Station or Lodge where Roads crossed on the Level.

XXIV. 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 before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and

shall abide by all such Rules and Regulations with regard to the crossing of such 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 Board of Trade; and if the 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 any such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

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

Kingston and Street Bridge Lower District Turnpike Road not to be crossed on a Level.

XXVI. That the Turnpike Road in the Parish of *Godalming* numbered 86 upon the said Plans, which is known as the *Kingston and Street Bridge* Lower District Turnpike Road, shall not be crossed by the Railway on the Level, but shall be carried over or under the same by means of a Bridge or Arch, and the said Road shall be carried over the Railway by means of a Bridge, in case the Consent of all Landowners and other Persons whose Consent shall be necessary shall be obtained; but in case such Consent shall not be obtained, or in case it shall be found impracticable to carry the said Road over the Railway by means of a Bridge, then and in such Case the said Road shall be carried under the Railway by means of an Arch, and in such Case the Company shall, at their own Expense, from Time to Time keep the said Road well and sufficiently drained and in a sound Condition and fit for Use, and the Angle to be made by the said Road passing under the Railway shall be as little acute as practicable: Provided always, that the Company may adopt such other lawful Method of crossing the said Road as shall be approved of and agreed upon by the Trustees for the Time being thereof and by the Company.

Company to maintain a

XXVII. That in case the said Road shall be carried under the Railway by means of an Arch, the Company shall, at their own Expense,

pense, provide and maintain a Gas Lamp or Gas Lamps at the Point where the said Road shall be so carried under the Railway, so as effectually to light the said Road at such Point. **Gaslight at Point of Crossing.**

XXVIII. That in case the said Road shall be carried under the Railway by means of an Arch, the Company shall at their own Expense erect and from Time to Time maintain a Post and Rail Fence for the Purpose of dividing such Part of the said Road where the same shall pass under such Arch as shall be used as a Footway from such Part of the said Road as shall be used as a Carriageway. **Footway to be divided from Carriage Road.**

XXIX. That the said Bridge shall be a Girder Bridge, with a sufficient Screen; and in case the said Road shall be carried over the Railway by means of a Bridge, such Bridge shall be of a Width not less than Thirty Feet, exclusive of such Part thereof as shall be appropriated for a Footway: Provided always, that the Company may vary the Style of the said Bridge, with the Consent of the Trustees of the said Road. **Prescribing Dimensions of Bridge.**

XXX. That the Company shall preserve and keep uninjured the Hedge which separates the said Road from the Meadow belonging to *Jane Elizabeth Holland*, and now in the Occupation of *Alfred Meluish*; and at such Part of the said Road where the said Hedge shall not be a sufficient Protection to the same the Company shall, at their own Expense, erect and maintain from Time to Time a good and sufficient Screen along or by the Side of such Part of the Line of Railway as shall adjoin any such Part of the said Road as aforesaid, and in particular along or by such Part of the said Railway as shall extend from the Corner of the said Meadow to the Buildings (if any) which shall be left standing on *Primrose Place*. **Fence to be maintained alongside of Road.**

XXXI. That the Turnpike Road in the Parish of *Bramshott* numbered 24 on the said Plans, known as the *Kingston Street Bridge* Lower District Turnpike Road, shall not be crossed by the Railway on the Level, but shall be carried over or under the same by means of a Bridge or Arch. **Kingston Street Bridge Lower District Turnpike Road not to be crossed on a Level.**

XXXII. That in carrying the several Roads numbered as hereinafter mentioned on the Plans deposited as aforesaid over, under, and across the Railway, it shall be lawful for the Company to alter the Inclination of such Roads so that the same when altered shall not be steeper than as herein-after mentioned; (that is to say,) **Inclination of Roads.**

In the Case of the Turnpike Road numbered 5 in the Parish of *Steep*, not steeper than One in Seventeen and One in Thirty respectively:

In

In the Case of the public Road numbered 13 in the Parish of *Petersfield*, not steeper than One in Thirteen, and level:

In the Case of the public Road numbered 25 in the Parish of *Frensham*, not steeper than One in Eleven:

In the Case of the public Road numbered 22 in the Parish of *Havant*, not steeper than One in Eleven:

In the Case of the public Road numbered 32 in the Parish of *Linchmere*, not steeper than One in Eleven:

In the Case of the public Road numbered 2 in the Parish of *Thursley*, not steeper than One in Fourteen.

Heighth and Span of Arches.

XXXIII. That the Company shall not, in respect of the Turnpike and public Carriage Roads herein-after mentioned, be required to construct the Arches for carrying the Railway over the same of a greater Height or Span than is hereafter prescribed with respect to such Road:

Parish.	Number on Plan.	Description of Road.	Height of Arch.	Span of Arch.
Steep	5	Turnpike Road	16 Feet	25 Feet
Witley	36	Turnpike Road	16 Feet	25 Feet
Warblington	29	Public Road	—	20 Feet
Tithing of Idsworth	40	Public Road	—	20 Feet
Tithing of Idsworth	49	Public Road	—	20 Feet
Buriton	39	Public Road	—	20 Feet
Buriton	45	Public Road	—	20 Feet
Godalming	28	Public Road	—	20 Feet

As to Communication with London, Brighton, and South Coast Railway.

XXXIV. That the Railway hereby authorized to communicate with the *London, Brighton, and South Coast* Railway shall communicate therewith at the Point where, according to the Plans deposited as in this Act mentioned, such Railway appears to communicate therewith, and at no other Point without the Consent in Writing of the said *London, Brighton, and South Coast* Railway Company under their Common Seal, and that all Communications between the said Railway hereby authorized and the said *London, Brighton, and South Coast* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner approved of from Time to Time and to the entire Satisfaction of the Engineer for the Time being of the said *London, Brighton, and South Coast* Railway Company.

Such Communications to be made at the Expense of the

XXXV. That the Expense of the Communications hereby authorized with the *London, Brighton, and South Coast* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending,

amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the Company hereby incorporated; and all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time, at the Expense of the said Company, be altered, amended, repaired, and maintained to the Satisfaction of the Engineer for the Time being of the said *London, Brighton, and South Coast* Railway Company, on each Occasion and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure the said *London, Brighton, and South Coast* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe passing along the same. Portsmouth Company.

XXXVI. That, notwithstanding anything in this Act contained, it shall not be lawful for the Company hereby incorporated, or for any Company or Person, under or in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *London, Brighton, and South Coast* Railway Company, or which they have Power to take under any of their Acts of Parliament, or to construct any Railways or Branch Railways across the same, either on the Level or otherwise, or in any Manner to alter, vary, or interfere with the said *London, Brighton, and South Coast* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid. Property of the London, Brighton, and South Coast Railway Company not to be interfered with.

XXXVII. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the said *London, Brighton, and South Coast* Railway Company, but all their Rights, Privileges, Powers, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved as against and with respect to the Company hereby incorporated. Saving Rights of the London, Brighton, and South Coast Railway Company.

XXXVIII. That the Railway hereby authorized to communicate with the *London and South-western* Railway shall communicate therewith in the Parish of *Godalming* at the Point where, according to the Plans deposited as in this Act mentioned, such Railway appears to communicate therewith, and at no other Point, without the Consent in Writing of the said *London and South-western* Railway Company under their Common Seal, and that all Communications between the said Railway hereby authorized and the said *London and South-western* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points, of the Construction and laid in the Manner approved of from Time to Time As to Communication with the South-western Railway.

Time and to the Satisfaction of the Engineer for the Time being of the said *London and South-western* Railway Company.

Communications with the South-western Railway to be made at the Expense of the Company.

XXXIX. That the Expense of the Communications hereby authorized with the *London and South-western* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time, at the Expense of the Company, be altered, amended, repaired, and maintained, to the Satisfaction of the Engineer for the Time being of the said *London and South-western* Railway Company, on each Occasion, and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure the said *London and South-western* Railway, or impede, obstruct, and interfere with the free, uninterrupted, and safe passing along the same.

Company not to take Property of the South-western Railway, or interfere with their Works.

XL. That, notwithstanding anything in this Act contained, it shall not be lawful for the Company, or for any Company or Person under or in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the said *London and South-western* Railway Company, or which they have Power to take under any of their Acts of Parliament, or to construct any Railways or Branch Railways across the same, either on the Level or otherwise, or in any Manner to alter, vary, or interfere with the said *London and South-western* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid.

Saving Rights of the South-western Railway Company.

XLI. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of or vested in or belonging to the said *London and South-western* Railway Company, but all their Rights, Powers, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved as against and with respect to the said Company.

Limiting Time for compulsory Purchase of Lands.

XLII. That 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.

XLIII. That, subject to the Provisions herein contained, the Railway shall be completed within Five Years from the passing of this

this Act, and on the Expiration of such Period the Powers by this or the said Consolidation Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended, except on Execution of Bond, &c.

XLIV. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twenty-eight thousand one hundred and twenty-five Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized 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 Twenty-eight thousand one hundred and twenty-five Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized 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 said Company have paid up One Half of the Amount of the Capital by this Act authorized 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 said 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, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited, or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Twenty-eight thousand one hundred and twenty-five Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and

such

such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twenty-eight thousand one hundred and twenty-five Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, 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 Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

XLV. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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

A. For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

B. For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging

to

to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

C. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *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 Halfpenny:

D. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *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 Three Farthings:

For every Horse or Cattle Van not belonging to the Company, not exceeding Twopence *per* Mile: And

For every other Carriage, of whatever Description, having more than Two Wheels, 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, *per* Mile not exceeding Fourpence;

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

Tolls for Passengers and Animals.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, any Sum not exceeding Threepence, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

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

Tolls for Propelling Power.

XLVI. That the Tolls which the Company may demand and receive 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 or other Articles, by the Ordinary

and Express Trains, in addition to the several other Tolls or Sums by this Act authorized to be taken: Provided always, that nothing herein-before contained shall extend to any Case in which any Special Train may be required and be allowed by the Company.

Regulations as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of loading and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion of any smaller Quantity.

Tolls for small Parcels and Aricles of Great Weights.

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

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each) on the Railway, or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence;

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence;

For

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings;

And for any Parcel exceeding Fifty-six 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 of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *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 may demand such Sum as they think fit.

Passengers Luggage.

XLIX. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Maximum Charges.

L. That, notwithstanding anything herein-before contained, the maximum Charges to be made by the Company in respect of all the Tolls and Charges for the Use of the Railway and Carriages, and for the locomotive Power on the Railway, shall in no Case exceed the Sums following; (that is to say,)

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

For all Matters herein-before mentioned under the Letter A, One Penny Halfpenny *per* Ton *per* Mile:

For all Matters mentioned under the Letter B, except Coals, Twopence *per* Ton *per* Mile:

For Coals, One Penny *per* Ton *per* Mile, exclusive of the Use of the Carriage:

For all Matters mentioned under the Letter C, Twopence Halfpenny *per* Ton *per* Mile:

For all Matters mentioned under the Letter D, Threepence *per* Ton *per* Mile:

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

For every Person conveyed in or by any Express Train, Threepence *per* Mile:

For every Person conveyed in a First-class Carriage by any other Train, Twopence *per* Mile:

In a Second-class Carriage, One Penny Halfpenny *per* Mile:

In a Third-class Carriage, One Penny *per* Mile:

For every Horse more than Two Years of Age and more than Fourteen Hands in Height, Threepence *per* Mile; but if conveyed in a Van or Carriage not belonging to the Company, One Penny Halfpenny *per* Mile:

For every Horse under Two Years of Age or not more than Fourteen Hands in Height, or for any Mule, Ass, or other Beast of Draught or Burden, Twopence *per* Mile; but if conveyed in a Van or Carriage not belonging to the Company, the Sum of One Penny *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or other small Animal, One Penny *per* Mile.

Restriction as to Charges not to apply to Special Trains.

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

As to Charge for loading.

LII. That it shall be lawful for the said Company to demand and take, in addition to the Tolls, Rates, and Charges which they are now or hereafter may be authorized to take and demand, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company, and a further reasonable Sum for Warehousing and Wharfage, and for any other extraordinary Services which may be reasonably and properly performed by the said Company in relation to such Goods.

Third-class Carriages to be attached to Two of the Trains each Way Daily.

LIII. That the Company shall attach a Carriage or Carriages for the Conveyance of Second-class Passengers, and also a closed Carriage or Carriages for the Conveyance of Third-class Passengers, to Two at least of the Trains for the Conveyance of Passengers to and fro every Day.

Company may take

LIV. That nothing herein contained shall be held to prevent the Company from taking any increased Charges over and above the Charges

Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

increased Charges by Agreement.

LV. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of Shares held by him in the Capital by this Act authorized to be made: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder Interest on any 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.

Interest not to be paid on Calls paid up.

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

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

LVII. 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 Railways;* 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:*

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., 9 & 10 Vict c. 57., and 14 & 15 Vict. c. 64.

Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same are applicable.

Railway not exempt from Provisions of future General Acts.

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

Saving the Rights of the Crown.

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

Expenses of Act.

LX. That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.