ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxxxvi.

An Act to enable the *Portsmouth* Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from *Godalming* to *Shalford;* and for other Purposes. [24th *July* 1854.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Portsmouth* Railway Act, 1853," for making a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey:* And whereas it is expedient, and would be to the Advantage of the Public, that some Parts of the Line of the said Railway as authorized by the said recited Act should be altered, and that the said Railway should be extended from *Godalming* aforesaid to *Shalford* in the said County of *Surrey*, there to join the *Reading, Guildford, and Reigate* Line of the *South-eastern* Railway Company: And whereas the *Portsmouth* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized so to do, and the Capital already authorized to be raised by the said recited Act will be sufficient to enable them so to do; but it is neces- 16 & 17 Vict. c. xcix.

sary that some of the Powers and Provisions of the said recited Act should be enlarged, and further Powers granted to the said Company for effecting the Objects aforesaid: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

8 & 9 Vict. cc. 18. & 20. incorporated.

I. That the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," shall be incorporated in and form Part of this Act.

Application of existing Funds to Extension and Deviation Lines.

II. And whereas the estimated Expense of making the said Extension Line of Railway and Deviations is One hundred and twenty-five thousand Pounds, and the Funds at the Disposal of the said Company are adequate to the Construction thereof: Be it enacted, That, subject as herein-after mentioned, it shall be lawful for the said Company to apply thereto so much of their Capital as is necessary for the Purpose of the Construction of the Extension Line of Railway and Deviations: Provided always, that no such Application of Capital to the Construction of the said Extension Line of Railway shall take place without the Consent of Three Fifths of the Shareholders of the Company present at a Special Meeting.

Power to make Deviations and Alterations herein named.

III. That it shall be lawful for the said Company to alter or deviate from certain Portions of the Line of the *Portsmouth* Railway as at present authorized to be made, and to construct such new or altered Lines of Railway as are next herein-after mentioned in lieu of the Portions so to be altered; (that is to say,)

First, a Deviation commencing by a Junction with the *Portsmouth* Railway as authorized to be made in a certain Field in the Parish of *Buriton* in the County of *Southampton*, numbered 27 on the Plans of the said Railway referred to in "The *Portsmouth* Railway Act, 1853," and terminating by a Junction with the Line of the *Portsmouth* Railway as authorized to be made in or near a certain Field numbered 81 on the said last-mentioned Plans in the said Parish of *Buriton*:

Second, an Alteration in the Levels of the *Portsmouth* Railway as authorized to be made, commencing in a certain Field in the said Parish of *Buriton* numbered 7 in the said Parish on the Plans referred to in "The *Portsmouth* Railway Act, 1853," and terminating in a certain Field in the said Parish numbered 43 on the said last-mentioned Plans:

Third, an Alteration in the Levels of the *Portsmouth* Railway as authorized to be made, commencing in a certain Field in the Parish

Parish of *Haslemere* in the County of *Surrey* numbered 25 on the Plans referred to in "The *Portsmouth* Railway Act, 1853," and terminating in a certain Field in the Parish of *Witley* in the said County of *Surrey* numbered 68 on such last-mentioned Plans.

Power to make Extension from Godalming to Shalford.

IV. That it shall be lawful for the said Company to construct the Line of Railway herein-after mentioned in extension of the said *Portsmouth* Railway; (that is to say,)

A Railway in extension of and commencing from and out of the Main Line of the *Portsmouth* Railway as authorized to be made in or near a certain Field in the Parish of *Godalming* in the said County of *Surrey* numbered 144 on the Plans referred to in "The *Portsmouth* Railway Act, 1853," and terminating by a Junction with the *Reading, Guildford, and Reigate* Line of the *South-eastern* Railway Company in the Parishes of *Shalford* and *Saint Nicholas, Guildford*, or One of them, in the said County of *Surrey*, at or near the Point where the said Line crosses the River *Wey*, where it forms the Boundary between the said Parishes of *Shalford* and *Saint Nicholas, Guildford*.

Power to abandon Parts of original Line.

V. That the said Extension and new or altered Lines of Railway shall be and become Parts of the Undertaking of the *Portsmouth* Railway; and the Company shall abandon the Formation of so much of the Line or Lines of Railway authorized to be made by the said recited Act as by reason of the Alterations therein by this Act authorized shall be rendered unnecessary.

Compensation to be made where Contracts have been entered into or Notices given.

VI. Provided always, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portions of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portions of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid, to receive from the Company Compensation for any Damage that may have been occasioned by the

Entry

Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Power to divert certain Roads.

VII. That it shall be lawful for the said Company to divert, within the Parish of *Godalming*, the Course of a public Highway leading from *Sandhills* to the *Witley and Petworth* Turnpike Road, which Highway is numbered on the Plans referred to in "The *Portsmouth* Railway Act, 1853," 15 in the said Parish; and also to divert within the same Parish the Course of another public Highway called *Coombe Lane*, leading from *Nodding's Farm* into the before-mentioned Highway numbered 15, which Highway so proposed to be altered is numbered on the said Plans 13 in the said Parish of *Godalming*.

Railways to be made according to deposited Plans.

VIII. And whereas Plans and Sections of the said Works by this Act authorized, showing the Lines 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 are intended to pass or be made, have been deposited with the Clerks of the Peace for the Counties of *Surrey* and *Southampton*: Be it enacted, That the said Works shall be made according to the Lines and Levels or Situations thereof as defined on the said Plans and Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for the Purposes thereof.

Provision as to crossing Turnpike Road in Shalford.

IX. That the said Extension Railway shall be so constructed under the Turnpike Road numbered on the deposited Plans 5[b] in the Parish of *Shalford* as that the Rate of Inclination or Gradient of the said Road shall not, after the Construction of the said Railway, be in any Part steeper or more severe than the now existing Rate of Inclination or Gradient thereof; and the Works necessary for the Alteration of the said Road, by reason of the Construction of the said Railway, shall be in all respects carried out, by and at the Expense of the Company, to the Satisfaction of the Trustees of the said Road, or of some Person to be appointed by them for that Purpose; and the Surface of the said Road, where the same shall be altered or interfered with in the Construction of the said Railway, shall be restored to a proper State, by and at the Expense of the Company, to the Satisfaction of the said Trustees, or of such Person as aforesaid.

Certain Road may be crossed on the Level.

X. That, subject to the Provisions contained in "The Railways Clauses Consolidation Act, 1845," with respect to crossing Roads on the

the Level, it shall be lawful for the Company, if they think fit, to carry the Lines of Railway by this Act authorized, or any of them, across and on the Level of the Road numbered on the Plans deposited as aforesaid as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.
76	Godalming.	Public Highway.

Company to erect Station at Points of crossing.

XI. That for the greater Convenience and Security of the Public the said Company shall erect and permanently maintain a Lodge or Station at the Point where the said Railway shall cross on the Level the before-mentioned Carriage Road; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, 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 every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

XII. That the Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railways 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 such level Crossing.

Road numbered 62 on Plans to be carried over Railway.

XIII. That the Road numbered on the deposited Plans 62 in the Parish of *Godalming* shall be carried over the said Railway, and also, with the Consent of the *London and South-western* Railway Company, over that Railway by means of a Bridge.

Inclination of Roads.

XIV. That it shall be lawful for the Company, for the Purpose of carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid in *November* last over, under, and across the said Railways, to alter the Inclinations of the said Roads to such an Extent as they

they may think fit, not exceeding the Inclinations following respectively; (that is to say,)

In the *Maple Derham* Deviation,

In the Case of the public Highway numbered 31 in the Parish of *Buriton* not steeper than 1 in 9, and level:

In the Diversion of Parish Roads,

In the Case of the public Highway numbered 13 in the Parish of *Godalming*, not steeper than 1 in 16 and 1 in 23 respectively.

Height and Span of Arches.

XV. 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 Roads.

Parish.	No. on Plan.	Description of Road.	Height of Arch.	Span of Arch.
(In the Maple Derham Deviation.)				
Buriton - - - - -	21	Public Highway	15 Feet	20 Feet.
Buriton - - - -	31	Public Highway	15 Feet	20 Feet.
(In the Alteration of Levels.)				
Buriton - - - - -	39	Highway	16 Feet	20 Feet.

Land for extraordinary Purposes.

XVI. That the Company may purchase any Quantity of Land for extraordinary Purposes not exceeding Five Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Time for compulsory Purchases limited.

XVII. That the Powers of the Company for the compulsory Purchase or Taking 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 the Completion of Works.

XVIII. That the Works hereby authorized shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within a limited Period Dividends on ordinary

XIX. That in case the Railways and Works by this Act authorised to be constructed shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders

holders on the ordinary or unguaranteed Capital of the Company until such Railways and Works shall have been completed and opened for public Traffic. Shares to be suspended.

XX. That all Communications between the Railway hereby authorized and the *Reading*, *Guildford*, *and Reigate* Line of the *South-eastern* 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 by and to the Satisfaction of the Engineer for the Time being of the *South-eastern* Railway Company. As to Communication with Reading, Guildford, and Reigate Line.

XXI. 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 *South-eastern* 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 the said *Portsmouth* Railway Company. Saving Rights of South-eastern Railway Company.

XXII. That in the Construction of the Extension Railway by this Act authorized, no Deviation whatever shall be made to the Eastward of the Centre Line of the same Extension Railway as delineated on the deposited Plans thereof at the Point where the same is proposed to be carried over the Lines of the *London and South-western* Railway near the *Godalming* Station, without the Consent of the *London and South-western* Railway Company in Writing under their Common Seal. No Deviation to be carried Eastward of Centre Line without Consent.

XXIII. That the Bridge by which the Extension Railway shall be carried over the *London and South-western* Railway at such Point shall not, without the previous Consent in Writing of the *London and South-western* Railway Company under their Common Seal, be made or maintained otherwise than as next herein mentioned; that is to say, with Three Arches or Openings, One thereof over the existing Lines of the *London and South-western* Railway to be of the Width of Thirty Feet in the Clear, with a Height (for at least Sixteen Feet, Part of the Width thereof,) of Fifteen Feet in the Clear between the upper Surface of the Rails and the under Side of such Bridge; and each of the other Arches or Openings, One being on each Side of the first-mentioned Arch or Opening, to be of the Width of Twenty Feet in the Clear, and with a Height (for at least Thirteen Feet, Part of such last-mentioned Width,) of Fifteen Feet in the Clear between the upper Surface of any Rails, to be laid on the same Level as the existing Rails, and the under Side of such last-mentioned Arches or Openings; and the Width of each of the said Arches or Openings is to be measured square across the existing Lines of Railway, Bridge to be carried over Railway to be made as herein set forth.

Railway, and so that the same Bridge shall give full and convenient Room and Space for the Construction and Maintenance of Four Lines of Railway under such Bridge, and for the Passage thereon of Engines and Carriages.

Not to use Property of South-western Railway, without Consent.

XXIV. That nothing in this Act contained shall (except for the Purpose of making and maintaining the last-mentioned Bridge and the Approaches thereto) authorize the Company to take and use any of the Property of the *London and South-western* Railway Company within the Fences of the said Railway, or actually used for Railway Purposes, without the previous Consent of the *London and South-western* Railway Company under the Hand of their Secretary for the Time being.

Bridge, &c. to be executed to the Satisfaction of the Engineer of the South-western Railway Company.

XXV. That the same Bridge and all other Works (if any) to be executed by the Company upon the Lands of the *London and South-western* Railway Company, or which shall in any Manner interfere with the *London and South-western* Railway or the Works thereof, shall be executed under the Superintendence and to the entire Satisfaction of the Engineer of that Company, but at the Expense of the Company; and the Company shall make and at all Times maintain the same Bridge and Works in good Repair and good Condition, to the entire Satisfaction of the Engineer of the *London and South-western* Railway; and if and whenever the Company fail so to do, the *London and South-western* Railway Company may do all such Works as they think requisite for any of the above Purposes, and the Sum from Time to Time certified by their Engineer to be the Amount of the Expenditure of the *London and South-western* Railway Company in that Behalf shall, on Demand, be repaid to them by the Company, and in default of full Payment thereof on Demand may be recovered by them, with full Costs, from the Company, in any Court of competent Jurisdiction.

Nothing to prejudice Rights of South-western Railway Company.

XXVI. That (except as herein expressly provided) 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 *London and South-western* Railway Company, but all their Rights, Powers, and Authorities under their several Acts of Parliament or otherwise are hereby expressly saved and reserved as against and with respect to the said Company.

Tolls upon new Lines of Railway.

XXVII. That it shall be lawful for the Company to demand and receive, for and in respect of the Railways hereby authorized, the same Tolls and Charges as they are authorized to demand and receive by "The *Portsmouth* Railway Act, 1853;" and the Railways hereby authorized to be made shall, for the Purposes of the said Tolls, be held to be Part of the said *Portsmouth* Railway.

XXVIII. Pro-

Maximum Tolls.

XXVIII. Provided always, That the maximum Tolls and Charges to be demanded by the Company in respect of the Traffic carried upon the said Railways shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the last-mentioned Act.

Prescribing Periods for holding Ordinary Meetings.

XXIX. That One of the Ordinary Half-yearly Meetings of the Company may be held either in the Month of *March*, or, as prescribed by the firstly-recited Act, in the Month of *February*, and the other of such Meetings may be held either in the Month of *September*, or, as prescribed by the said Act, in the Month of *August*.

Power to close Transfer Books at certain Periods.

XXX. That it shall be lawful for the Directors to close the Register of Transfers for a Period not exceeding Fourteen Days before any Extraordinary Meeting of the Company, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given, in the same Manner as is required with reference to the closing of the Transfer Books before the Ordinary Meetings of the Company; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Extraordinary Meeting.

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

XXXI. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament, 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 to execute any other Work or Undertaking.

Railways 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. ce. 57. 105., and 14 & 15 Vict. c. 64.

XXXII. 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 Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*:

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

Railways not exempt from Provisions of future General Acts.

XXXIII. That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, 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 or the said recited Acts, and of the Rates for small Parcels.

Expenses of Act.

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

Short Title.

XXXV. That in citing this Act it shall be sufficient to describe it as "The *Portsmouth* Railway Amendment Act, 1854."

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