CHAPTER clxxxviii.

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An Act for authorising the London and South-western Railway Company to construct new Railways in the Counties of Southampton and Dorset and to widen part of their Ringwood Christchurch and Bournemouth Railway and jointly with the Midland Railway Company to construct a new Railway in the County of Dorset; and for other purposes. [20th August 1883.]

WHEREAS with a view to improving the access by Railway to Bournemouth and Poole it is expedient that the London and South-western Railway Company (in this Act called "the Company") should be authorised to construct the Railways and works herein-after described in the counties of Southampton and Dorset:

And whereas by the Somerset and Dorset Railway (Leasing) Act 1876 the Somerset and Dorset Railway was vested in the Company and the Midland Railway Company (in this Act called "the Midland Company") jointly by way of lease and it is expedient that the Company and the Midland Company or one of them should be empowered to construct the Junction Railway herein-after mentioned between the Somerset and Dorset Railway and the Company's Southampton and Dorchester Railway:

And whereas it is expedient that the Company and the Midland Company should be empowered to enter into and carry into effect and rescind working and other agreements as herein-after provided:

And whereas it is expedient that for the purposes of this Act relating to them respectively the Company and the Midland Company should be respectively authorised to apply their corporate funds and revenues and the Company should be authorised to raise further moneys:

And whereas Plans and Sections of the Railways and works proposed to be authorised by this Act as originally introduced into Parliament (the Plans showing also the lands required for the

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purposes of those Railways and works) and Books of Reference to such Plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the respective Clerks of the Peace for the counties of Southampton and Dorset and are herein-after referred to as the originally deposited Plans Sections and Books of Reference respectively:

And whereas during the progress of the Bill for this Act through Parliament certain alterations were made in the works originally proposed to be authorised by this Act and Plans and Sections of the said alterations (such Plans showing also the lands required for the purposes of such alterations) and Books of Reference to such Plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were deposited with the respective Clerks of the Peace for the counties of Southampton and Dorset and copies of such Plans Sections and Books of Reference signed by Sir Arthur Otway the Chairman of the Committee of the House of Commons to whom the Bill for this Act was during its progress through Parliament referred were also deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons (which Plans Sections and Books of Reference are herein-after referred to as the substituted Plans Sections and Books of Reference respectively):

And whereas the purposes of this Act 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 (that is to say):—

Short title.

1. This Act may be cited as the South-western (Bournemouth &c.) Act 1883.

Incorporation of general Acts.

2. The provisions following of the Companies Clauses Consolidation Act 1845 with respect to:—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money upon mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock; and

The provision to be made for affording access to the special Act by all parties interested;

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

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "Superior Courts" or "Court of competent jurisdiction" or any other like expression in this Act or any Act in whole or in part incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Power to make railways and works.

4. Subject to the provisions of this Act the Company may make and maintain the Railways and works described in this section in the lines and in accordance with the levels shown on the originally deposited Plans and Sections or (as the case may be) the substituted Plans and Sections relating thereto and may enter upon take and use such of the lands shown on those respective Plans and described in the originally deposited or (as the case may be) the substituted Books of Reference as may be required for the purpose. The Railways and works herein-before referred to and authorised by this Act are:—

(A) A Railway (the Bournemouth Direct Railway) 10 miles 3 furlongs and 5·70 chains or thereabouts in length commencing in the parish of Christchurch in the county of Southampton by a junction with the Company's Ringwood Christchurch and Bournemouth Railway near to the Christchurch Station and terminating in the parish of Brockenhurst in the same county by a junction with the Company's Southampton and Dorchester Railway near to the Lymington Junction;

(B) A widening between Bournemouth and Christchurch of the Company's Ringwood Christchurch and Bournemouth Railway commencing in the parish of Holdenhurst in the county of Southampton near to the Bournemouth (East) Station and terminating in the parish of Christchurch in the same county near to the Christchurch Station;

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(c) Bournemouth Junction Railways:—

1. A Railway (No. 1) 3 miles 0 furlongs and 1·10 chains or thereabouts in length commencing in the parish of Kinson in the county of Dorset by a junction with the Company's Poole and Bournemouth Railway and terminating in the parish of Christchurch in the county of Southampton by a junction with the Company's Ringwood Christchurch and Bournemouth Railway near to the Bournemouth (East) Station;

The said Railway No. 1 shall consist of the substituted Railway No. 1 shown on the substituted Plans and Sections and of so much but so much only of the Railway No. 1 shown on the originally deposited Plans and Sections as lies to the eastward of the termination of the said substituted Railway No. 1;

(2) Railway No. 2 (shown on the substituted Plans and Sections) 2 furlongs and 9·35 chains or thereabouts in length wholly in the said parish of Kinson commencing by a junction with the said Poole and Bournemouth Railway and terminating by a junction with the substituted Railway No. 1 shown on the substituted Plans and Sections;

(d) West Moors Junction Railway:—

A Railway (the West Moors Junction) 2 furlongs and 8·07 chains or thereabouts in length wholly in the parish of West Parley in the county of Dorset commencing by a junction with the Company's Salisbury and Dorset Junction Railway near to the West Moors Station and Junction and terminating by a junction with the Company's Southampton and Dorchester Railway near to the West Moors Junction Signal-box.

Holmsley Station not to be discontinued without consent of William Clement Drake Esdaile his heirs or assigns.

5. The Company shall continue to maintain the Holmsley Station on their present Southampton and Dorchester Railway as a station for passengers cattle and goods with all usual and proper accommodation for passengers and for the loading and unloading of goods and cattle unless and until the consent in writing of William Clement Drake Esdaile of Burley Manor Ringwood in the County of Southampton his heirs or assigns deriving title through him to Burley Manor aforesaid to the discontinuance or removal of such station has been obtained.

Holmsley Station not to be discontinued with-

6. The Company shall continue to maintain the Holmsley Station on their Southampton and Dorchester Railway as a station for passengers cattle and goods with all usual and proper accommoda-

tion for passengers and for the loading and unloading of goods and cattle unless and until the consent in writing of the Commissioners of Her Majesty's Woods Forests and Land Revenues or one of them to the discontinuance or removal of such station has been obtained.

Without consent of Commissioners of Woods &c.

7. In connexion with the construction of the Bournemouth Direct Railway the following provisions for the protection of the Verderers of the New Forest shall be observed and have effect:—

For the protection of the Verderers of the New Forest.

The Company shall construct and for ever after maintain at or near points on the originally deposited Plans and Sections hereinafter described the following works (that is to say):—

(A) A bridge over the Railway of the width of twenty-five feet between the parapets at nine miles two furlongs eight chains or thereabouts;

(B) A bridge over the Railway of the width of twenty-five feet between the parapets at nine miles six furlongs or thereabouts;

(C) A bridge under the Railway of the width of twenty-five feet between the walls and with fifteen feet headway in the centre at ten miles five chains or thereabouts;

(D) A bridge under the Railway of the width of twenty-five feet between the parapets and with fifteen feet headway in the centre at ten miles two furlongs two chains or thereabouts;

and if required by notice in writing to that effect:—

(E) A bridge constructed of timber or other material as the Company may select over the railway not less than nine feet in width at nine miles one furlong eight chains or thereabouts;

(F) A bridge constructed of timber or other material as the Company may select over the Railway not less than nine feet in width at nine miles four furlongs one chain or thereabouts;

(G) A cattle creep under the Railway not less than nine feet in width with a headway of not less than ten feet in the centre at nine miles seven furlongs eight chains or as near thereto as will admit of this headway being obtained;

(H) A cattle creep under the Railway not less than nine feet in width with a headway of not less than ten feet in the centre at ten miles one furlong three chains or thereabouts.

8. The Company shall not under the powers of this Act purchase or acquire for the purposes of the Railways and works mentioned in this section or other the purposes of the Company more of the commons or commonable lands following than the quantities

Limiting amount of common land to be taken.

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mentioned in connexion therewith respectively in the following table (that is to say) :—

Railway or work.	Name by which the lands are known.	Parish in which the lands are situate.	Estimate quantity to be taken. A.	R.	P.
Bournemouth Direct Railway	New Forest -	Sway and Boldre	18	2	0
Bournemouth Direct Railway	Cranemoor Common	Christchurch -	5	0	0
Bournemouth Direct Railway	Arnewood Common	Hordle - -	0	3	14
Bournemouth and Christchurch widening	Poors Common -	Christchurch -	0	1	16
Bournemouth Junction Railway No. 1	Poors Common -	Holdenhurst -	1	3	19

Power to Company and Midland Company to construct Railway.

9. The Company and the Midland Company or either of those Companies with the consent of the other of them under their common seal may make and maintain the Railway described in this section in the lines and according to the levels shown on the deposited Plans and Sections and may enter upon take and use such of the lands in the parishes of Corfe Mullen and Great Canford in the county of Dorset shown upon the deposited Plans and described in the deposited Books of Reference as may be required for that purpose. The Railway referred to in this section is :—

(E) A Railway (the Corfe Mullen Junction) 2 miles 5 furlongs 9·20 chains or thereabouts in length commencing in the parish of Corfe Mullen in the county of Dorset by a junction with the Somerset and Dorset Railway and terminating in the parish of Great Canford in the same county by a junction with the Company's Southampton and Dorchester Railway.

Power to make subsidiary works.

10. The Company or Companies constructing the Railways by this Act authorised (herein-after referred to as "the constructing Company or Companies") may from time to time make and maintain in connexion therewith all proper and sufficient bridges viaducts rails sidings junctions turntables stations approaches roads buildings yards and other works and conveniences.

Power to divert roads.

11. The constructing Company or Companies may divert all roads shown upon the deposited Plans as intended to be diverted and when and as in each case the diversion is made and open for use the constructing Company or Companies may stop up so much of the existing road as will be rendered unnecessary by such diversion and all rights over such roads shall be extinguished.

And the sites and soil of so much of any such road as shall be so stopped up are by this Act vested (as to so much thereof as is bounded on both sides by land of the constructing Company or Companies) in the constructing Company or Companies and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different owners) in such owners respectively to the centre of the respective roads in proportion to the respective frontages of their lands thereto and in the case of any land vested in the constructing Company or Companies subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the Railway.

Notice to be given of taking houses of labouring classes.

12. The Company shall not less than eight weeks before they take in any one city town or parish fifteen houses or more occupied either wholly or in part by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a Justice that it has been proved to his satisfaction that they have so made known their intention.

Power for Company to appropriate lands for the erection of dwelling-houses for the labouring classes.

13. The Company may from time to time if and when they think fit appropriate any lands acquired by them under the powers of this Act and which may not be required for the Railways and works for the purpose of the erection of dwelling-houses or buildings for persons belonging to the labouring classes whose dwellings may be required for the works by this Act authorised and before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall procure sufficient accommodation elsewhere for such person or persons unless the Company and such person or persons otherwise agree: Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a Justice.

Easements &c. may be granted by incapacitated persons.

14. 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 that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the

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constructing Company or Companies any easement (not being an easement of water) right or privilege required for any of the purposes of this Act in over or affecting any such lands and the provisions of the said Act 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 cross certain roads on the level.

15. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the works by this Act authorised carry the same with a single line only whilst the Railway constituting the respective work shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

Work.	No. of Road on Plans.	Parish.	Description of Road.
Bournemouth to Christchurch widening of line	45	Christchurch -	Public road
Bournemouth to Christchurch widening of line	85	Christchurch -	Public road

Provided that the Company with the sanction in writing of the Board of Trade may and if required by the Board of Trade shall carry the said roads or either of them as the case may be over the said widening and over the existing Bournemouth and Christchurch Railway of the Company by means of a bridge or bridges as the case may be and in the event of their so doing the provisions of the Railways Clauses Act 1863 with reference to level crossings shall apply as if the said bridge or bridges were works directed by the Board of Trade to be executed under the aforesaid provisions of that Act and the said existing Bournemouth and Christchurch Railway had been authorised by this Act.

Height and span of bridges.

16. The Company may make the arches of the bridges for carrying the Railways over the roads next herein-after mentioned of any spans and heights not less than the spans and heights herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No. of Road on Plans.	Parish.	Description of Road.	Span.	Height.
				ft. in.	ft. in.
Bournemouth to Christchurch widening of line	162	Christchurch	Public	24 8	14 9
Bournemouth to Christchurch widening of line	188	Christchurch	Public	22 6	15 0

Widths of certain roadways.

17. The constructing Company or Companies may make the roadways over the bridges by which the following roads will be carried over the Railway of such widths between the fences thereof as they think fit not being less than the respective widths hereinafter mentioned in connexion therewith respectively (that is to say) :—

Work.	No. of Road on Plans.	Parish.	Description of Roadway.	Width between Parapets.
				ft. in.
Bournemouth Direct Railway	117	Christchurch -	Public	15 0
Bournemouth Direct Railway	12	Melton -	Public	15 0
Bournemouth Direct Railway	45	Melton -	Public	15 0
Bournemouth to Christchurch widening of line	154	Christchurch -	Public	20 0
Corfe Mullen Junction -	27	Corfe Mullen -	Public	20 0
Corfe Mullen Junction -	34	Corfe Mullen -	Public	12 0

Lands for extraordinary purposes.

18. The constructing Company or Companies by agreement from time to time may purchase land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 but the quantity of land so purchased under this Act for those purposes shall not exceed in the case of the Company alone five acres and in the case of the Company and the Midland Company jointly or the Midland Company alone as the case may be two acres.

Period for completion of works.

19. The Railways and works by this Act authorised shall be respectively completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the constructing Company or Companies for making those respective

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Railways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as shall then be completed.

Penalty for non-completion of railways &c. within time limited.

20. If the Company or as the case may be the Company and the Midland Company fail to complete any Railway or work by this Act authorised to be made by them respectively within the period limited by this Act in that behalf the Company or as the case may be the Company and the Midland Company respectively shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the respective Railway or work is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the respective Railway or work and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such Court or Judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in the bank and to the account named in such order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was or as the case may be the Company and the Midland Company were prevented from completing or opening the respective Railway or work by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

21. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective Railway or work or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company or as the case may be upon the Company and the Midland Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed

in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Division if the Company or as the case may be the Midland Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to the receiver or to the liquidator or liquidators of the Company or of the Midland Company as the case may be or be otherwise applied as part of the assets of the Company or of the Midland Company as the case may be for the benefit of the creditors of the respective Company.

Period for compulsory purchase of lands.

22. The powers of the Company or as the case may be of the Company and the Midland Company or the Midland Company under this Act for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Tolls &c.

23. For the purposes of tolls rates and charges and all other purposes the Railways and works by this Act authorised shall respectively be deemed part of the Railways herein-after mentioned in connexion with the same respectively (that is to say) :—

The Railways and works (A) (B) (C) and (D) shall respectively be deemed part of the Company's main line of Railway and the Corfe Mullen Junction Railway and the works connected therewith by this Act authorised shall be deemed part of the Somerset and Dorset Railway and the powers of the Somerset and Dorset Joint Committee appointed under the provisions of the Somerset and Dorset Railway Leasing Act shall extend to the Corfe Mullen Junction Railway accordingly.

Power to apply funds.

24. The Company and the Midland Company respectively may apply for any of the purposes of this Act relating to them respectively and to which capital is properly applicable any moneys which by any previous Act or Acts they are respectively authorised

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to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to raise further money for purposes of this Act.

25. The Company from time to time may for all or any purposes of this Act and for the general purposes of the Company being purposes to which capital is properly applicable raise by new shares or new stock (whether ordinary or preferential or both) any sum or sums not exceeding five hundred and ten thousand pounds.

Shares not to be issued until one fifth paid.

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

Calls.

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

Provisions of Company's Act of 1862 to extend to Company's shares and stock under this Act.

28. The provisions of sections 47 to 70 (both inclusive) of the South-western Railway (Additional Powers) Act 1862 with respect to preferential shares and stock and the cancellation of shares and stock and the issue of new shares or stock instead of cancelled shares or stock and with respect to voting for shares or stock and otherwise respecting shares and stock shall extend to this Act with respect to the Company and the shares and stock which by this Act they are authorised to create and issue.

Further borrowing powers to the Company.

29. The Company may from time to time (in addition to any sums which they are for the time being authorised to borrow) borrow on mortgage of their undertaking in respect of their additional capital of five hundred and ten thousand pounds which they are by this Act authorised to raise for purposes of this Act any sum or sums not exceeding in the whole one hundred and seventy thousand pounds and of the last-mentioned sum they may borrow thirty-four thousand pounds in respect of every one hundred and two thousand pounds of the said capital of five hundred and ten thousand pounds.

Restrictions on borrowing.

30. Provided always that no part of any such sum of money shall be borrowed by the Company under the powers of this Act unless and until the additional capital or as the case may be the portion of additional capital by this Act authorised in respect of which it is to be borrowed is issued and accepted and one half

thereof is paid up and the Company have proved to the Justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such additional capital or portion of additional capital as the case may be has been issued and accepted and that one half thereof has been paid up and not less than one-fifth part of the amount of each separate share in such capital or portion of capital as is to be raised by means of shares has been paid on account of such shares before or at the time of the issue or acceptance thereof and that stock for one half of so much of such capital or portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such Justice as aforesaid (before he so certifies) that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or Corporations to whom the same were issued or their executors administrators successors or assigns and also if any part of such capital or portion of capital is raised by shares 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 certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

31. All mortgages granted by the Company in pursuance of any Act passed before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance thereof respectively have priority over any mortgages to be granted by virtue of this Act: Provided that this section does not apply to any mortgage from time to time granted by the Company in accordance with section 21 of the South-western Railway (General) Act 1865 or section 60 of the South-western Railway (General) Act 1867.

Provisions of Company's Act as to appointment of receiver repealed.

32. Section 91 of the South-western Railway Act 1882 (for appointment of a receiver) is by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending under the provisions of that section or any of them.

For appointment of a receiver.

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

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Debenture stock.

34. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

Power to Company and Midland Company to enter into arrangements.

36. The Company and the Midland Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance by the contracting Companies or either of them of the Corfe Mullen Junction Railway or any part or parts thereof;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for that junction Railway;

The employment of officers and servants for the conduct of such traffic;

The fixing collection payment appropriation apportionment and distribution of the tolls rates charges income and profits arising from the said junction Railway or the respective Railways and works of the contracting Companies or either of them or any part thereof.

Tolls on traffic conveyed partly on the Corfe Mullen Junction Railway and partly on other railways.

37. During the continuance of any agreement as aforesaid to be entered into under the provisions of this Act for the working or use of the Corfe Mullen Junction Railway or any part thereof that junction Railway and the Somerset and Dorset Railway and the Company's Southampton and Dorchester Railway shall for the purposes of short distance tolls and charges be considered as one Railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the said junction Railway and partly on the other Railways in this section mentioned or any of them for a less distance than six miles tolls and charges may only be charged as for six miles and in respect of passengers for every mile or fraction of a mile beyond six miles tolls and charges as for

one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond six miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the said junction Railway and partly on the other Railways or either of them in this section mentioned.

Provisions as to rights of Commoners of the New-Forest.

38. As regards the interests or rights of the Commoners of the New Forest in or over any lands required for the purposes of this Act the open lands of the New Forest over which rights of common exist shall be deemed to be common or waste lands within the meaning of the Lands Clauses Consolidation Act 1845 and the Verderers of the New Forest as constituted by the New Forest Act 1877 shall be deemed to represent the Commoners for the purposes of this Act and to constitute a Committee of such Commoners within the meaning of the one hundred and fourth and following sections of the Lands Clauses Consolidation Act 1845 save only and except such part of section one hundred and four as provides for the distribution of compensation received by a Committee. Any money to be received by way of compensation by the Verderers acting as such Committee as aforesaid shall be applicable by them to and for the purposes and in the manner to for and in which the same would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act 1877.

Power for Commissioners of Woods &c. to grant lease for 999 years to the Company.

39. The powers of leasing given by an Act of the session holden in the tenth year of His Majesty King George the Fourth chapter fifty shall extend to enable the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them with the consent of the Commissioners of Her Majesty's Treasury to grant and to enter into any agreement for granting to the Company a lease of the estate and interest of Her Majesty Her heirs and successors in such part or parts of the New Forest in the county of Southampton as may be required for the purposes of this Act for any term not exceeding nine hundred and ninety-nine years from the time of making the lease or agreement for a lease.

Saving rights of the Crown.

40. 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 the Queen's Most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the 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

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are hereby respectively authorised to 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.

Interest not to be paid on calls paid up.

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

Deposit for future Bills not to be paid out of capital.

42. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Orders of either House of Parliament now or hereafter in force is required to be deposited in respect of an application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other Railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

43. Nothing in this Act contained shall exempt the Railways of any Railway Company from the provisions of any general Act relating to Railways or the better and more impartial audit of the accounts of Railway Companies now or hereafter in force or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by any Railway Company.

Costs of Act.

44. All 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.

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