ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap.* clxxiv.

**An Act for authorizing an Alteration of the *Southampton and Netley* Railway, and the Amalgamation of the *Southampton and Netley* Railway with the *London and South-western* Railway; and for other Purposes. [14th *July* 1864.]**

WHEREAS by the "*Southampton and Netley* Railway Act, 1861," the *Southampton and Netley* Railway Company (in this Act called "the Company") were incorporated, with a Capital of Forty-eight thousand Pounds in Four thousand eight hundred Shares of Ten Pounds each, and with Authority to borrow on Mortgage not exceeding Sixteen thousand Pounds, and were authorized to make and maintain the *Southampton and Netley* Railway, commencing by a Junction with the *London and South-western* Railway at *Saint Denis* in the Town and County of the Town of *Southampton*, and terminating in the Parish of *Hound* in the County of *Southampton*, near to the Military Hospital at *Netley*: And whereas by the "*Southampton and Netley* Railway Act, 1863," the Company were authorized to make and maintain a Railway by way of Deviation from and Substitution for Part of their originally authorized Railway, and to abandon accordingly the making of Part of their originally authorized

24 & 25 Vict. c. ccxx.

26 & 27 Vict. c. lxx.

authorized Railway: And whereas it is expedient that the Company be authorized to make and maintain a short Line of Railway by way of Deviation from and Substitution for Part of the now authorized Line of their Railway, and to abandon accordingly the making of a Portion of that now authorized Line: And whereas the Company are making their Railway, and have raised and expended thereon more than One Half of their Capital: And whereas it is expedient that the Company be authorized to purchase for the Purpose of Road Approaches to their Railway divers Lands in the Parishes of *Hound* and *Saint Mary Extra*, both in the County of *Southampton*: And whereas it is expedient that the Company be authorized to divert a public Highway in the Parishes of *Saint Mary Extra* and *Hound* in the County of *Southampton*: And whereas an Arrangement for the Amalgamation of the Undertaking, Railway, Property, and Effects of the Company with the Undertaking, Railway, Property, and Effects of the *London and South-western* Railway Company (in this Act called "the *South-western* Company") has been come to, and the Terms thereof appear by the Memorandum of Arrangement set forth in the Schedule to this Act annexed: And whereas it is expedient that that Memorandum of Arrangement be confirmed, and the Amalgamation be effected accordingly, and the Company be dissolved: And whereas Plans and Sections showing the Line of Railway and the Diversion of Road by this Act authorized to be made, and the Lands proposed to be taken and used for the Purposes of this Act, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands have been deposited for the Purposes of this Act with the respective Clerks of the Peace for the County of *Southampton* and the Town and County of the Town of *Southampton* respectively, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "*Southampton and Netley* Railway Act, 1864."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c 92. incorporated.

**2.** "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Parts One and Five of "The Railways Clauses Act, 1863," (save so far as any of

of the Sections or Provisions of those Acts and Parts respectively are expressly varied or excepted by this Act) are incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act.

**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 excluded by the Subject or Context: Provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to purchase Land for Purposes of Act.

**4.** For the Purposes of the Line of Railway and Works by this Act authorized and of the Company's proposed Road Approaches in the Parishes of *Hound* and *Saint Mary Extra*, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think expedient, or may by Agreement purchase, take, and use any Right, Easement, or Privilege in or affecting those Lands, or any of them, without taking any greater Estate or Interest therein.

Powers for compulsory Purchases limited.

**5.** The Powers of the Company under this Act for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year after the passing of this Act.

Lands for extraordinary Purposes.

**6.** For any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act, the Company from Time to Time may purchase by Agreement, in addition to the Lands authorized to be taken by them compulsorily, any Quantity of Land adjoining or near to the Railway not exceeding in the whole Half an Acre.

Power to make Works authorized by Act.

**7.** Subject to the Provisions of this Act, the Company may make and maintain the Line of Railway and Works by this Act authorized in the Lands shown on the deposited Plans, and specified in the deposited Books of Reference; and so far as the same are shown on the deposited Plans and Sections may make and maintain the same in the Lines and according to the Levels shown thereon.

Railway and Works authorized by Act.

**8.** The Works by this Act authorized comprise the following Railway and Works, with all proper and sufficient Sidings, Stations, Buildings,

Buildings, Yards, Bridges, Viaducts, Roads, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing in the Tithing of *Portswood* in the Parish of *South Stoneham* in the Town and County of the Town of *Southampton* by a Junction with the Main Line of the *London and South-western* Railway, Southward of the Bridge at the *Portswood* Station carrying the *Saint Denis Road* over that Railway, and terminating in the Parish of *South Stoneham* in the County of *Southampton* by a Junction with the Company's now authorized Line of Railway.

Railway to be Part of Company's Undertaking.

**9.** The Railway, with the Stations, Works, and Conveniences connected therewith, and the Works by this Act authorized, shall for all Purposes whatsoever be Part of the Undertaking of the Company, and, subject to the Provisions of this Act, the several Powers, Provisions, and Obligations of the recited Acts with respect to the Railway of the Company shall extend and apply to the *Southampton and Netley* Railway as by this Act and the recited Acts respectively authorized, and as if the Railway by this Act authorized, and the Works and Conveniences thereof, had formed Part of the original Undertaking of the Company.

Power to divert public Road, Cross Roads, &c.

**10.** In constructing the Railway authorized by "The *Southampton and Netley* Railway Act, 1863," the Company may make a new or substituted Road in lieu of so much of the public Road numbered on the deposited Plans referred to in the last-named Act 48 in the Parish of *Saint Mary Extra* and 36A in the Parish of *Hound* as lies between the Points shown on the Plans deposited for this Act as the Commencement and Termination of the substituted Road, and such Road shall be made in the Lines and within the Limits defined upon such Plans, and according to the Levels shown on the Sections thereto; and from and after the making of such Road the existing Portion of Road lying between the above-named Points shall be wholly shut up and abandoned.

Road may be crossed on the Level.

**11.** In constructing the Railway the Company may carry the same over the following Road on the Level:

| No. on Plan. | Parish. | Description of Road. |
|---|---|---|
| 56 | South Stoneham - - - | Public Road. |

But no more than a single Line of Railway shall be laid down so long as the Railway consists of a single Line of Railway, and in no Case shall there be more than a double Line of Railway at such level Crossing.

**12.** Except

Saving Rights of Northam Bridge Company.

**12.** Except only so far as is requisite for the making, maintaining, managing, regulating, working, and using of the Railway and the Works connected therewith, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company of Proprietors of *Northam Bridge* and Roads, and the Railway and the Viaduct or other Works connected therewith across the River *Itchen* shall be used for Railway Purposes only, and not for the Accommodation of Foot Passengers or any other Description of Traffic; and notwithstanding anything in Clause 13. of "The *Southampton and Netley* Railway Act, 1863," the Bridge for carrying the Railway by this Act authorized under the Road in the the Parish of *South Stoneham*, numbered 12 on the deposited Plan, shall be constructed so that the Parapets of the Bridge shall be parallel to the present Fences of that Road, and that Bridge and the Approaches to the same shall have a clear Space between the Parapets and Fences thereof of Thirty-five Feet in Width at the least, and that Road when altered shall be of an Inclination not steeper on either Side of the Bridge than One in Forty.

Period for Completion of Works.

**13.** The Railway by this Act authorized shall be completed within Two Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Part of authorized Line to be abandoned.

**14.** The Company shall abandon the making of so much of their now authorized Line of Railway as is authorized to be made between the Termination of the Railway by this Act authorized and the Main Line of the *London and South-western* Railway.

Company to make Compensation to Landowners for Non-completion of Contracts for Purchase of Lands;

**15.** In every Case where before the passing of this Act the Company have agreed or given any Notice for the Purchase of any Land for the Purpose of making the Portion of Railway which by this Act they are required to abandon, and the Purchase thereof is not completed, they shall make to the Owners and Occupiers of and other Persons interested in those Lands full Compensation for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed in accordance with the Agreement or Notice, and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

and for Damage by Entry on Lands, boring, &c.

**16.** The Abandonment of that Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Land which

which the Company were authorized to purchase to receive from the Company Compensation in accordance with "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, for any Damage occasioned by their Entry on the Land for surveying or taking Levels, or probing, or boring, or setting out the Line of the Railway.

Memorandum of Arrangement between Company and South-western Company in Schedule confirmed.

**17.** The Memorandum of Arrangement between the Company and the *South-western* Company for Amalgamation, set forth in the Schedule to this Act annexed, is by this Act confirmed and made binding on those Two Companies respectively, and in accordance with the Provisions of this Act may and shall have full Effect according to the true Intent thereof.

Undertaking, Property, and Effects of Company vested in South-western Company.

**18.** The Undertaking, Railway, Sidings, Stations, Works, and Conveniences, Lands, Buildings, Estates, Plant, Stock, Property, Effects, Claims, and Demands whatsoever of or to which the Company by virtue of the recited Acts relating to them and this Act respectively, or otherwise howsoever, are at the Time of the Amalgamation seised, possessed, or in anywise entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, are by this Act vested in the *South-western* Company as Part of and amalgamated with their Undertaking, Railway, Property, and Effects, and the Amalgamation shall take place on the Day in that Behalf expressed in the Memorandum of Arrangement set forth in the Schedule to this Act annexed.

Company dissolved, and South-western Company to represent them.

**19.** Subject to the Provisions of this Act the Company shall on the Amalgamation be dissolved and cease to exist, and thenceforth, except as is by this Act otherwise expressly provided, the *South-western* Company shall to all Intents represent the Company as if those Two Companies had originally been and had continued without Intermission to be One and the same Body Corporate.

Capital of South-western Company increased by Amount of Company's Capital.

**20.** The Capital of the *South-western* Company is by this Act increased by the Amount of the Capital of the Company, and the *South-western* Company from Time to Time may raise all or any Part of the Amount by which their Capital is so increased.

Provisions of South-western Company's Act of 1862, as to Shares and Stock, to apply to Shares

**21.** The Provisions of Sections 49 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 otherwise respecting Shares and Stock, extend to this Act with respect to the *South-western* Company, and the

the Shares and Stock which by this Act they are authorized to create and issue.

and Stock under this Act.

**22.** Provided always, That any Preference assigned to any Shares or Stock issued under this Act by the *South-western* Company shall not affect any Guarantee or any Preference or Priority in the Payment of Interest or Dividend on any Shares or Stock that may have been granted by the Company under or confirmed by any Act passed previously to this Act, or that may be otherwise lawfully subsisting.

Saving Rights of Holders of Preference Shares.

**23.** The Amount which the *South-western* Company are authorized to borrow on Mortgage or Bond is by this Act increased by the Amount which the Company are entitled to borrow on Mortgage or Bond.

South-western Company's borrowing Powers increased.

**24.** Provided, That the Debenture Debt of the Company, which in accordance with the Memorandum of Arrangement set forth in the Schedule to this Act annexed is to be Debenture Debt of the *South-western* Company, shall be deemed to be Debenture Debt of the *South-western* Company created by the Exercise by them of their increased borrowing Power in that Behalf under this Act.

Debenture Debt of Company becoming Debt of South-western Company to be deemed created under Act.

**25.** The Company and the *South-western* Company respectively shall not, out of any Money by any Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made on the Shares held by him; provided that the Company and the *South-western* Company respectively may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Interest not to be paid on Calls paid up.

**26.** The Company and the *South-western* Company respectively shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the respective Company to make any Railway or execute any other Work or Undertaking.

Deposit on future Bills not to be paid out of Capital.

**27.** When the Company's Railway is vested in the *South-western* Company they from Time to Time may demand and take for all Passengers,

Power for South-western Company

to take Tolls, &c. on Company's Railway when vested in them.

Passengers, Animals, and Things conveyed by them thereon, and for Carriages, Waggons, and Trucks conveying the same respectively, and provided by them, and for Locomotive Engines or other Power provided by them for the Conveyance thereof, and for all Services performed by them thereon or in respect thereof, a like Amount of Tolls, Fares, Rates, and Charges as by the Acts from Time to Time in force with respect to the Main Line of the *South-western* Railway, or any of them, the Company are from Time to Time authorized to demand and take for like Traffic, Matters, and Services on or with respect to that Main Line, and in like Manner and subject to the like Limitation of maximum Tolls, Fares, Rates, and Charges, and with and subject to like Provisions in all respects as if the Company's Railway so vested in them were Part of that Main Line.

Subject to Limit as to maximum Charges.

**28.** Provided, That the maximum Charges to be made by the *South-western* Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Company's Railway when vested in them, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of their Traffic on and at the same respectively, shall not in any Case to which the Limitation of maximum Charges is applicable exceed the Sums in that Behalf limited by the Acts from Time to Time in accordance with this Act in force with respect to the Company's Railway.

Company's Railway and South-western Railways to be considered continuous for Tolls.

**29.** When the Company's Railway is vested in the *South-western* Company, that Railway and the Railways of the *South-western* Company shall for the Purposes of Tolls and Charges be considered to be One continuous Line of Railway; and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Company's Railway and partly on any of the Railways of the *South-western* Company for a Distance less than Three Miles, Tolls and Charges may only be demanded for Three Miles, and for each Mile or Fraction of a Mile beyond Three Miles as for One Mile only, in respect of Passengers, and for each Quarter of a Mile or Fraction thereof as for a Quarter of a Mile for Animals, Minerals, and Goods; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods conveyed partly on the Railway of the Company and partly on the Railway of the *South-western* Company than the respective Charge in that Behalf herein authorized.

Saving Rights of the Crown.

**30.** Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable

exerciseable by the Queen's most Excellent Majesty in right of Her Crown, 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, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of Principal Secretary of State for War.

**31.** Inasmuch as it is necessary that the Fortifications and Works belonging to Her Majesty, and under the Charge of Her Majesty's Principal Secretary of State for the War Department, should be preserved intact and free from all Obstruction, therefore nothing in this Act contained shall authorize the Company or the *South-western* Company to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or shall take away, lessen, prejudice, or alter any of the Rights, Privileges, or Powers vested in or exerciseable by that Principal Secretary of State without his previous Consent in Writing under his Hand, and which Consent he is by this Act authorized to give, subject to such special or other Conditions as he sees fit to impose.

Saving Rights of Corporation of Southampton.

**32.** Except only so far as is requisite for the carrying of the recited Acts and this Act respectively into execution, and the taking of the Lands necessary for the Purpose, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, Immunities, Advantages, and Privileges whatsoever of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, but all such Estates, Rights, Powers, Immunities, Advantages, and Privileges shall continue in full Force and Effect and may be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as if this Act were not passed.

Saving Rights of Northam Bridge Company

**33.** Except only so far as is requisite for the making, maintaining, managing, regulating, working, and using of the Company's Railway and the Works connected therewith, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company of Proprietors of the *Northam* Bridge and Roads, and in order to the Protection of their Rights and Privileges, the Railway and the Viaduct or other Works connected therewith across the River *Itchen* shall be used for Railway Purposes only, and not for the Accommodation of Foot Passengers or any other Description of Traffic.

Saving Rights of Company South-western Company.

**34.** Except as is by this Act specially provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, Privileges, or Authorities of the Company or of the *South-western* Company.

Railway, &c. not exempt from Provisions of present and future General Acts.

**35.** Nothing in this Act contained shall exempt any Railway Company to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or for any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by any Act relating to the respective Railway, or of the Rates for small Parcels thereby authorized.

Expenses of Act.

**36.** All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the *South-western* Company.

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## SCHEDULE to which the foregoing Act refers.

MEMORANDUM of ARRANGEMENT between the Southampton and Netley Railway Company and the London and South-western Railway Company for Amalgamation:

Firstly, the Undertaking, Railway, Property, and Effects of the Netley Company to be by Act of Parliament amalgamated with the Undertaking, Railway, Property, and Effects of the South-western Company.

Secondly, the South-western Company to pay off the Netley Company's Shareholders at Par.

Thirdly, the South-western Company to take on themselves the Debenture Debt of the Netley Company, and all other their Debts, Liabilities, and Engagements, whether on account of Revenue or on account of Capital.

Fourthly, the Amalgamation to take effect as on and after the 1st Day of January 1864.

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